JUSTICE OF THE PEACE & LOCAL GOVERNMENT REVIEW

Saturday, June 25, 1955 **Vol. CXIX. No. 26**

Official & Classified Advertisements, etc.

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NOTIFICATION OF VACANCIES ORDER, 1952

The engagement of persons answering these advertisements must be made through a Local Office of the Ministry of Labour or a Scheduled Employment Agency if the applicant is a man aged 18-64 or a woman aged 18-59 inclusive unless he or she, or the employment, is excepted from the provisions of the Notification of Vacancies Order, 1952. *Note:* Barristers, Solicitors, Local Government Officers, who are engaged in a professional, administrative or executive capacity, Police Officers and Social Workers are excepted from the provisions of the Order.

COUNTY BOROUGH OF NEWPORT

Assistant Solicitor

SALARY £690 × £30—£900 per annum (commencing at £780 if the person appointed has two years' legal experience). The post is permanent and superannuable. N.J.C. Conditions of Service, as adopted by the Council, apply. Applications, giving age, qualifications, experience, and names and addresses of three referees, to reach the Town Clerk, Civic Centre, Newport, Mon., by July 4, 1955. Relationship to a member or senior officer of the Council must be disclosed. Canvassing, direct or indirect, will disqualify.

J. G. ILES,
Town Clerk.

Civic Centre,
Newport, Mon.

BOROUGH OF FARNWORTH

Deputy Town Clerk

APPLICATIONS for this post are invited from Solicitors with Municipal experience.

Salary—A.P.T. Grade V.

Further particulars and forms of application obtainable from the undersigned. Closing date for applications July 2, 1955.

NORMAN MITCHELL,
Town Clerk.

Town Hall,
Farnworth, Lancs.

EAST SUSSEX COUNTY COUNCIL

Assistant Solicitor

APPLICATIONS are invited from persons with experience in local authority administration for the above appointment which will become vacant on October 1, 1955, in the office of the Clerk of the County Council. Salary in accordance with Grade A.P.T. VI of the National scales (£825—£1,000). The appointment is superannuable and a candidate to be successful must pass a medical examination. Applications, stating age, qualifications and experience, together with the names of three persons to whom reference can be made, should be sent to me by July 4, 1955.

Candidates must state whether they are related to any member or Senior Officer of the Council, and canvassing will disqualify.

H. S. MARTIN,
Clerk of the County Council.

County Hall, Lewes.

SLOUGH

Assistant Solicitor

Grade A.P.T. VI

APPLICATIONS stating age, qualifications, experience, previous appointments, etc., naming two referees, and disclosing any relationship to members or senior officers of the council, from Solicitors with experience in local government legal work, including conveyancing and advocacy, and committee attendance, should be sent to Town Clerk, Town Hall, Slough, Bucks., by July 11. Salary £825—£1,000. A suitable applicant would commence at £930. The National Conditions of Service and Superannuation Acts will apply and a medical examination will be necessary. No council housing accommodation.

DEVON MAGISTRATES' COURTS COMMITTEE

Deputy Justices' Clerk

APPLICATIONS are invited from Barristers or Solicitors for the whole-time appointment of a deputy Clerk to the Justices to act in the combined areas comprised of Petty Sessional Divisions in Devon for which whole-time Clerks are appointed.

Salary £900 × £40 to £1,100 per annum, plus travelling and subsistence. Justices' Clerks Scheme of Conditions of Service; permanent appointment; superannuable; three months' notice by either side.

Applications, with qualifications, experience, names of two referees, to Clerk of the Committee, The Castle, Exeter, by July 4, 1955.

BOROUGH OF CHATHAM

Assistant Solicitor

APPLICATIONS are invited for this superannuable appointment on N.J.C. Conditions of Service, salary in accordance with Grade A.P.T. VI £825—£1,000. Previous local government service is not essential. Post will provide varied experience. Housing available in an appropriate case.

Applications stating age, qualifications and experience, together with the names and addresses of two referees, should reach me by July 13, 1955.

ROWLAND NEWNES,
Town Clerk.

Town Hall,
Chatham.

BOROUGH OF GILLINGHAM

Appointment of Assistant Solicitor

APPLICATIONS are invited for the above appointment. Experience of conveyancing and advocacy necessary, but previous local Government service not essential. The appointment will offer wide opportunities for obtaining all round experience of local Government, law administration.

Salary in accordance with Grade A.P.T. VI of the National Scale, *i.e.*, £825—£1,000. The National conditions of service and the Local Government Superannuation Acts, 1937/53 will apply to appointment.

The Council would be prepared to assist with housing accommodation in an appropriate case.

Applications, giving the names of two referees, to be forwarded to the undersigned by not later than July 4, 1955.

Canvassing directly or indirectly will disqualify.

FRANK HILL,
Town Clerk.

Municipal Buildings,
Gillingham, Kent.

BERKSHIRE MAGISTRATES' COURTS COMMITTEE

County Petty Sessional Divisions of the Forest, Reading and Windsor

(Estimated Population 110,000)

APPLICATIONS are invited for a Senior Court Assistant in the offices of the Clerk to the Justices of the above Divisions. Applicants should possess considerable experience of the work of a justices' clerk's office and be capable of taking Courts without supervision.

Salary £600 × £25—£725 per annum. N.J.C. Conditions for staff of local authorities will apply pending National Conditions of Service for Justices' Clerks' Assistants, and the post is superannuable.

Applications, stating age and full particulars of experience, together with the names of two referees should reach the undersigned not later than July 16, 1955.

E. R. DAVIES,
Clerk of the Committee.

Shire Hall, Reading.

BOROUGH OF RICHMOND YORKSHIRE

Appointment of Town Clerk

APPLICATIONS are invited from Solicitors and other persons qualified by experience for the Office of Town Clerk. The salary and conditions of service will be in accordance with the Recommendations of the J.N.C. for Town Clerks (population range—5/10,000), and the commencing salary will be according to qualifications and experience. The Town Clerk will also be the Local Fuel Overseer.

Applications stating age, marital status, qualifications and experience, together with the names of two referees, contained in a sealed envelope marked in the left-hand corner, "Application for Town Clerkship," must reach me at the Corporation Offices, Richmond, Yorkshire, by not later than the first post on Monday, July 4, 1955. Canvassing will disqualify, and candidates must state in writing whether or not they are related to any member or senior officer of the Council.

DAVID BROOKS,
Town Clerk.

Justice of the Peace
and
LOCAL
GOVERNMENT REVIEW
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Holborn 6900
Price 2*s.* 3*d.* (including Reports), 1*s.* 3*d.* (without Reports).

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REPORTS

NOTES OF THE WEEK

The Queen's Speech

Although the railway strike precluded the customary drive by the Queen in a State Landau to open Parliament the recent ceremony of opening Parliament by Her Majesty otherwise lost nothing of its traditional brilliance.

The Gracious Speech from the Throne to both Houses of Parliament contained a number of proposals of interest to our readers. First, there was the Government's intention of pressing forward their far-reaching programme of road construction and improvement and their plans to ease the flow of traffic and reduce danger on the roads. All highway authorities as well as all highway users will welcome the inclusion of this as well as the Government's expressed intention of laying before Parliament a measure to amend the Road Traffic Acts.

Of local government significance, too, is the following passage in the Gracious Speech :

" . . . In the light of proposals recently agreed among the local authority associations my Government are examining the problems of local government in England and Wales with a view to introducing legislation on this subject . . ."

We have commented upon this particular topic in these columns as recently as April 9, 1955, and we await with interest any legislative proposals which the Government may see fit to promote. It is unlikely that anything effective can be done without a broad measure of agreement between local authorities.

As to housing, the present high rate of house-building is to be maintained and action taken to accelerate slum clearance and relieve urban congestion. Anyone who is brought in contact with current housing lists (especially in London and some of the other large urban areas) can be left in no doubt that these proposals are highly necessary.

In the sphere of education the Government intend to continue expanding the building and improvement of schools, and to give close attention to the number and the needs of the teaching profession. They have very much in mind the special educational requirements of the rural areas. Secondary schools will also be encouraged to provide a choice of courses; and facilities for technical education will be extended.

The Government are to re-introduce the Rating and Valuation (Miscellaneous Provisions) Bill. This Bill which received a Second Reading last April was overtaken by the dissolution of Parliament in May and lapsed. It, *inter alia*, amends the procedure as to valuation lists, provides a new method of rating for Gas Boards, and exempts church and chapel halls from rates.

The Government's intentions for legislation to reduce air pollution are also referred to in the Gracious Speech. We commented on this matter in our issue published on February 12 last. There can be few legislative measures more assured of a wide public welcome than those dealing with " smog."

Last but not least the Government are to hold an inquiry to consider practice and procedure in relation to administrative tribunals and quasi-judicial inquiries including those concerning land. We have frequently referred to these matters in our columns and we welcome a searching investigation of them.

Tooth-mark Evidence

Finger-print evidence has become quite commonplace, and impressions of the palm of the hand or of the foot are sometimes used in proving identity. Now comes an account of tooth-prints as evidence leading to conviction.

At the County of London Sessions a man was sent to prison on a charge of breaking and entering a public-house and stealing. One item of evidence was that tooth-marks found on a piece of cheese that had been left behind corresponded with the marks made by the prisoner's teeth. He had apparently helped himself to the cheese, but had not eaten all of it.

How fortunate it is that criminals so often make these little mistakes that enable the police to bring them to trial and conviction! They generally remember to take certain precautions before setting out to commit a crime, such as the wearing of gloves in order to leave no finger-prints behind them on the scene of the

crime. But often they forget something, and find they have not, after all, planned and carried out the perfect crime. If the man who sampled the cheese had been brought up from childhood not to leave food on his plate but to eat up properly, he might not have been found out.

When we come to think of it, it is no doubt true that just as no two individuals have exactly identical finger-prints, so also no two sets of teeth, whether natural or artificial, produce exactly the same bite marks. Perhaps criminals who read of this case will take care, whether they take their own food with them or steal it, to leave no bits behind with tell-tale tooth-marks to help the police to solve a " who-done-it " problem.

Children among the Traffic

Nowadays children of school age generally show a good knowledge of road safety rules and put them into practice. Even if their parents have not seen to this, they are almost sure to have heard talks from police officers and teachers, and to have seen a film or two illustrating what to do and what not to do.

Very young children are naturally oblivious of the dangers of the roads. The Derby borough police have decided to take still further measures for their protection. According to the *Yorkshire Post*, police cars will pick up small children found alone in the busy town centre and take them in a car to their homes, where the parents will be enjoined to take precautions in future so that their children do not get into danger. As often as little children are found alone in this situation, they will be picked up.

This is a commendable policy on the part of the police, but it ought not to be necessary. Parents are neglecting their duty if they allow their young children to go about the streets alone. Modern traffic conditions are too dangerous for the unaccompanied little child. If the mother is not at work, she should have her young children under her constant care. If she is at work, it is her duty to see that the children are in safe keeping and not wandering and getting into danger. The police have too much to do already: it ought not to be their job to look after children whose parents are too thoughtless or too selfish to bother about their safety.

The Tell-tale " O "

In a recent prosecution at Worthing it was sought to prove that a printed note left at the scene of an alleged theft had been printed by the defendant, who had pleaded not guilty. A well-known hand-writing expert gave evidence, and produced photostatic copies of examples of the defendant's printing and of the suspect document. The witness pointed out that the letter " o " had been joined at the bottom in both cases, instead of being joined at the top, as is by far the more usual method. There was also a word similarly mis-spelt in each. These peculiarities were certainly of evidential value, but the bench did not have to decide the case upon that point, since the defendant's advocate, after consulting him, informed the bench that the defendant admitted printing the note. Thus the accuracy of the expert's opinion was completely vindicated. It is not often as simple as that, and the expert witness may have to go into great detail and exhibit many peculiarities and comparisons in order to convince a jury or a bench of magistrates that they are safe in relying upon his deductions.

Alcoholism in Canada

Alcoholism is very prevalent in both Canada and the United States and seems to have arisen during and after prohibition. There is still a modified form of prohibition in Canada such as the forbidding of the purchase of spirits in some areas except by the bottle through a government liquor store. The American Academy of General Practice has drawn attention to a growing recognition that the alcoholic is sick and is not a criminal. That the alcoholic is a sick person who can be helped and is worth helping was forcibly brought to the attention of the Saskatchewan government, as elsewhere, by the results attained by the society of Alcoholics Anonymous and an increasing number of recovered cases has been reported in all parts of the province, beginning from 1948. It is estimated that there are now over 1,000 members, most of them in 66 groups in all sections of Saskatchewan. Requests for assistance are increasingly received by the provincial department of Social Welfare and Rehabilitation, such as for hospital care, for special custodial or rehabilitation facilities, for psychiatric treatment, and for aid in securing employment when the alcoholic had started on the road to recovery. What is called " problem drinking " has long been the concern of the various provincial welfare departments. Most of the States of the United States have established administrative bodies to study this matter and take various forms of action as has also been done in most of the Canadian provinces. A bureau of alcoholism was established by the Saskatchewan government two years ago under the directorship of a former newspaper editor who had had some experience in this field. Amongst the first duties of the director was the task of attempting to get some idea of the nature and extent of the problem and to examine schemes which had been set up elsewhere. An advisory committee was also appointed to study the problem and to make recommendations to the government. Alcoholics Anonymous groups are very active through their members conducting regular meetings in prisons and mental hospitals and assisting in hospitalization of sick alcoholics. Where necessary a member sits beside an alcoholic in hospital. The press, both weekly and daily, and the radio stations have shown a keen and sustained interest in this problem and they have been helpful in publicizing the activities of the bureau as well as informing the public that alcoholism is an illness and can be successfully treated.

The Functions of the Medical Officer of Health

The Society of Medical Officers of Health has published a booklet setting out their views as to what should be the functions of the medical officer of health. Much of the information in the booklet is factual and attention is drawn to the ways in which the medical officer can, and should, make his contribution to improving the health of the community. Certain of the recommendations in the booklet are, however, definitely controversial and it may be argued by some that the medical officer is setting himself up as the only departmental chief who is capable of accepting responsibility for services now usually administered by separate departments and that other existing heads of departments, such as the children's officer, should come under him. In regard to the welfare services provided under the National Assistance Act, although a small proportion of local authorities have placed these in the health department it was clear from the discussion at the Welfare Conference arranged by the local authorities' associations that most authorities would object to the view expressed in the booklet that the services for the care of the aged should be under the general direction of the medical officer of health.

The booklet starts with a well reasoned statement as to what is needed for community health and what this includes. It is stated that the concern of medical officers must be with such diverse aspects of community health as occupational health, the care of the deprived child

and the care of the aged—all should, in the opinion of the society, come under the general direction of the medical officer of health. But it is admitted that he should be assisted in his arrangements for the care of children by a children's officer, "whether doctor or university graduate in Social Science"; and in services for the handicapped and aged by someone "with special knowledge of social activities and handicrafts." There is then a section on environmental health and it is urged that the medical officer should be consulted to a greater extent than at present on general matters of housing and on some aspects of town planning.

Turning to the personal health services, consideration is given to the duties of the medical officer as to health education; care and after-care—with which there should be general agreement—as also with the view that the health department should be able to do more in helping the aged to return from hospital to the community. As to health examinations it is suggested that it is of the highest importance to instil into the minds of people the value of keeping well, so that their usefulness to themselves, their family and their country remains unimpaired. It is thought that periodic health examinations, as an extension to the adult of what has been organized within the child welfare and the school health services, might have something to contribute. It is suggested that the time may have come when certain limited trials of this method might be organized and, if so, the view is expressed that the work should be under the general direction of the medical officer of health. Some may disagree and think this should be a matter for the general practitioner in association with clinics and the hospitals.

On the care of the school child, useful advice is given to how the medical officer can help if, as is usual, he is also school medical officer. A considerable section of the booklet explains the reasons for the view of the society that the children's department, as provided by the Children Act, should cease to exist, and that the children's officer should work on his staff. The society is also opposed to the employment of a special staff of child-care officers and is of opinion that the visiting of children in foster homes, boarding-out supervision, the selection of suitable homes and the visiting and examination of children placed with a view to adoption, would best be done by health visitors.

On mental health also it is thought that greater powers and responsibilities should be given to medical officers of health and that here also the health visitors should be used to a greater extent. It is suggested that there is need to experiment with centres for advising those with mental worries, entirely dissociated from the atmosphere of a hospital or clinic and that "office" consultation of this character might be conducted by a medical officer or a psychiatric social worker, who would need to refer the small proportion of serious disorders to a psychiatrist. It is also suggested that the welfare of the mentally ill is in need of development on parallel lines to those of other handicapped persons, with the assistance of a welfare officer on the staff of the medical officer. In the care of the aged it is urged that the social work involved cannot be separated from that in other spheres of the department's work; and that it entails the full use of the health visitor, who can give to it a combination of health teaching and concern for social factors. Clearly many more health visitors must be recruited if the views of the society are accepted not only in regard to the great variety of duties which they must perform in the administration of the local health and welfare services but for the suggested attachment of a senior health visitor from the health department to each institution for the chronic sick even though it is agreed that there are some duties which may still be performed by trained welfare officers acting as part of the community health team.

FINED 20*s*., SEVEN DAYS TO PAY

[CONTRIBUTED]

For some 20 years the writer has been almost automatically writing this every court day, for certain traffic offences.

Discussion arose as to whether fines, etc., in that petty sessional division had kept pace with changing conditions and were generally adequate.

With the rota system also, a danger arose of varying penalties for similar offences imposed by different courts. Investigation did not show many big anomalies between courts but more trends to leniency under one chairman compared with another.

The bench, however, decided the matter ought to be investigated fairly fully. Since the easiest classes of case to dissect were motoring offences, details were extracted from the registers for 1936 and 1954 and figures for 1954 obtained for comparison from another court of a comparable character, *i.e.*, about the same distance from London, mainly residential and with one substantial traffic route through it. The comparative figures were averaged, tabulated, and circulated to justices. The question then arose as to what considerations ought to be taken into account and what ought to be rejected as irrelevant. This proved to be less easy than would at first appear, and I give the points raised and the final conclusion.

It would be interesting to know if other benches would consider all these conclusions correct.

Among the data before the justices was the approximate estimate of cost of police and clerks' time, only putting down a small sum for the time in court of the clerk and for his staff's time in preparing summons, etc. The result was surprisingly high, since lest a case is not called early, the constable concerned must be off other duties for half a day to give evidence. The fact that he may get off earlier is balanced by the cases where he is in court the whole day or where more than one constable is a witness. Civilian witnesses are additional to the estimated cost.

Minor offences worked out at £1 11*s*. 6*d*.

Careless or dangerous driving which normally require measurements worked out at £3.

With all this before them the justices considered the following points:

1. Should the cost to the country be taken into consideration in fixing penalties since the innocent tax- and ratepayers bear any deficiency between fine and cost? It was not contended that by any means all cases must exceed the cost, *e.g.*, cycle without a light.

Decision. No. Justice ought to be done regardless of cost to the community.

2. Is it right for a bench to do more than discuss penalties in general terms and get down to actual figures for average cases?

Decision. Yes. Many cases are very similar and it is therefore in the interests of justice to suggest a basic figure for an average

case. This basic figure must not be a fixed tariff and it is up to each bench to consider if there are any known mitigating or aggravating circumstances requiring them to vary the basic penalty either way. Without a basic figure in mind, personal opinion can enter into it too much and a tendency arise to vary on similar cases; for instance, a councillor when the council have not provided adequate car parks may unconsciously be more sympathetic to a parking offender than other justices.

3. Money has depreciated since before the war. Maximum penalties remain the same. While a great number of people are better off some, like pensioners and others on fixed income, are far worse off. Should the depreciation in the value of money be considered?

Decision. Many penalties are "class" penalties rather than those for specific offences and the maximum fines were never approached in pre-war fines. Penalties should be a deterrent and the average person unconsciously balances a penalty with the cost of things in general. As an example, 20*s.* pre-war was 400 cigarettes, which would now cost £3 18*s.* If 20*s.* was correct pre-war the figure now should be at least double to have an equally deterrent effect and the question of those persons less well off may be one for mitigating the fine if the persons' circumstances are known.

4. Road accident figures are appalling and in places traffic conditions are near chaotic at times. Are these matters of which the justices should take cognizance?

Decision. Yes. Most motoring offences are directed either to road safety or to seeing all road users have proper access to and use of the roads. If no road traffic offences were committed accident figures would become very small and traffic difficulties would be greatly reduced. Since this is so it emphasizes the necessity for adequately deterrent penalties. If present penalties do not tend to check or reduce certain offences they should be reconsidered periodically.

5. The justices have power to dismiss a dangerous driving charge and direct the preferment of a careless driving one. Should this be regularly exercised as a matter of policy?

Decision. While it can be argued that they are not degrees of the same offence it would be appropriate in very many cases where the degree of danger proved did not merit a fairly severe penalty. A light penalty on a conviction for dangerous driving tends to make the offence one more lightly regarded than it should be, so that in those cases not meriting a fairly severe penalty the power should be exercised.

The whole matter of penalties has been given the closest consideration and detailed consideration of more than two dozen of the commonest offences is not yet complete. The general result has been a doubling, or in one or two cases trebling, of the pre-war average penalty for an offence.

The bench had already during the past year or so begun to avail themselves more often of their power to disqualify, and they decided that whether to disqualify or not ought to be actively considered in all cases where the power is available. This might in fact reduce the fine since in most cases disqualification would be far greater punishment than even a maximum fine without it and, therefore, would have a major effect as a deterrent.

There is no doubt that many benches should investigate at least some of their penalties.

One magistrate reported that she had discussed penalties with fellow justices on other benches and was staggered to hear that a bicycle with no light was still fined 2*s.* 6*d.* by one bench. It was felt that no rear light on a bicycle was more dangerous than no front light and a heavier penalty will therefore be imposed for that.

Pre-war, no lights on a bicycle was only half as much again as no front light, but the justices have now decided wholesale terms are not appropriate.

The problem of a car with no lights was one where "wholesale" terms might or might not be appropriate. Does one fine the total of twice what one would for only one side light plus no rear light?

At the moment the decision is yes, but the writer fancies that this may be subject to reconsideration as resulting in an excessive penalty.

Should the offside light being out carry a higher penalty than the near one, as it is more dangerous to be without that one?

While not part of the question of actual penalty, the bench recently went into the question of advocates' fees also. This chiefly arose upon matrimonial cases, and prosecutions by the railway for avoiding the fare.

In matrimonial cases the proper presentation of the more intricate domestic disputes by an advocate on either side does undoubtedly lead to the justices making a proper order with more certainty and probably more frequently than when they have to sort out jumbled evidence and irrelevancies that usually are introduced by parties in person. If a person does employ an advocate and wins the case there seems no just reason why in matrimonial cases that party should not recover from the other party the advocate's fee.

In other cases such as game trespass or motoring offences, it will usually depend on whether the complexity or seriousness of the case justifies the prosecutor, whether it be the police or not, in being represented. If it is justified, then the bench decided the advocate's fee ought to be an adequate one.

Where a defendant, however, is represented and wins against the police, the question is rather different.

The police duty is not to try and force convictions but in those cases in which they believe an offence to have been committed and can be so proved, to lay the facts shown by their evidence before the justices in an impartial manner. Costs and advocates' fees against the police therefore ought, the bench felt, to be limited to those cases in which the evidence adduced did not show a reasonable expectation of a conviction.

The writer only remembers one fairly recent case where an advocate's fee was allowed against the police. This was a careless driving case in which the evidence was very flimsy.

Confidential inquiries from solicitors practising in the court elicited that they charged their clients on the average:

Matrimonial cases	£6 6*s.*
Railway solicitor (local) ..	£4 4*s.*
Careless driving	£7 7*s.* to £10 10*s.*
Dangerous driving and drunk in charge	£10 10*s.* to £15 15*s.*
Game trespass and assault and other cases	£5 5*s.*

As a result of these inquiries, the bench have been awarding far higher advocates' fees.

Before this investigation £1 1*s.* to £2 2*s.* was about as much as was ever awarded and then only in exceptional cases.

Several of the solicitors who were asked as to their charges told the writer that £2 2*s.* was an apparent maximum fee in several neighbouring courts. It seems therefore that, along with penalties, courts should give this matter, too, their attention.

The great difficulty is not only to fix the appropriate basic penalties, advocates' fees, etc., but also to ensure that there is some uniformity of treatment over a fairly wide area far beyond

the confines of one's own petty sessional division, as otherwise it seems hardly fair.

The question of the order of consideration of penalties to obtain a true balance between the offences of varying degree of seriousness led the writer to put the less serious offences at the top of the list as tending to build up to a more adequate penalty for the more serious ones. To reverse this process might result either in a *reductio ad absurdam* for lesser offences, if the basic penalty for the more serious offence was fixed too low, or having to go back over the more serious cases and revise the penalties upwards which would mean waste of time.

Since, very properly, higher authority in the form of the Home Office would not do anything which might be considered dictation to benches, the only way is to reach the clerks through the medium of an article and hope that they will not shirk the not inconsiderable work involved, but consult with their chairmen as to whether or not they should embark upon such an investigation as is outlined above.

WHEN CENSORSHIP WAS A REALITY

STERN LAWS AND BLOODTHIRSTY PENALTIES WERE FEATURES OF ELIZABETHAN CONTROL OF PRESS AND PRINTING

By DENYS VAL BAKER

" Because there is a great abuse in the printers of books, which for covetousness chiefly regard not what they print, so they may have gain, whereby ariseth great disorder by the publication of unfruitful, vain and infamous books and papers; the Queen's Majesty straightly chargeth and commandeth that no manner of person shall print any manner of book or paper, of what sort, nature of language soever it be, except the same be first licensed by her majesty by express words in writing, or by six of her Privy Council, or be perused and licensed by the Archbishops of Canterbury and York, the Bishop of London, the Chancellors of the Universities, the Bishop being ordinary ecclesiastical judge as well, and the Archdeacon also of the place where any such shall be printed, or by any two of them, whereof the ordinary of the place to be always one. And that the names of such as shall allow the same be added in the end of every such work, for a testimony of the allowance thereof . . . "

This " Injunction of her Majestie," issued by Queen Elizabeth I in the first year of her reign, reminds us that censorship of books—about which there is much contemporary discussion—was once a hard reality in this country, for purposes different from those pursued today. In fact, Queen Elizabeth's reign, momentous in so many fields, was a vital period in the history of book publishing and book selling—a period, incidentally, of intense legal and judicial activity.

As part of her plan to control, Elizabeth confirmed the Royal Charter of the Stationers' Company, and it was through this body that most of the licensing work was carried out. With the exception of books printed under special privilege or state monopoly, every book had now to be registered with the company. For this reason, the Stationers' Company's Register provides a most valuable record for bibliographers.

Naturally, this licensing system led to abuse. Whoever held authority tended to feather his own nest. So we come upon this rather pathetic " round robin " issued by a large group of printers, complaining that:

" John Jugge, besides being her Majestie's printer, hath gotten the privilege for the printing of Bibles an Testaments, the which was common to all ye printers; Richard Tottel the printing of all kinds of lawe books, which was common to all Printers, who selleth the same at excessive prices to the hindrance of a great nomber of pore students; John Daye the printing of A.B.C. and Catechisms, with the sole selling of them by the collour of a Commission. These books were the onelie relief of the most porest of ye printers."

Since these patents were granted not only for life, but passed on by succession, the prospect for non-favoured printers became indeed bleak, as one by one all the popular titles were taken over. Unable to make anything of their protests by legal means, these printers embarked on a precarious but in the end effective system of pirating. In other words, they printed complete editions of copyright books under forged imprints, and sold them at country fairs and in the more remote provincial towns.

When John Day brought a case against one of the pirates, Roger Ward, for printing copies of the A.B.C., Ward bravely stood up for himself before the Star Chamber (the case, we are told, lasted from February to July, 1582) and admitted that he had in fact printed 10,000 copies. His defence was that the monopolists not only kept all the trade for themselves but charged unnecessarily high prices for the books they printed. Other printers, such as himself, " can scarce earne breade and Drinke by their trade towards their lyvinge."

Ward endured several terms of imprisonment for his defiance, but it was largely thanks to efforts by such as he—and more notably still a printer called John Wolfe, who publicly declared that he would print any lawful book in spite of any commandment of the Queen to the contrary—that the monopolists' hold was finally weakened. In 1584, after a special commission had made an inquiry, the favoured printers agreed to yield a number of their copyrights " for the benefit of their poorer brethren."

This, however, was merely an internal change among booksellers. From outside, the State was still waging its censorship war, sometimes quite savagely. Indeed, only two days after the concession mentioned above, the authorities condemned a Catholic printer, William Carter, for treason, and the very next day had him publicly hanged, disembowelled, and quartered at Tyburn. The apparent reason for the trial was Carter's printing of a book called *Treatise of Schism*, in which Catholic gentlemen in Elizabeth's Court were incited to assassinate the Queen, or so it could be interpreted; but matters went much further back, to Carter's publishing a book on Mary, *The Innocency of the Scottish Queen*.

Queen Elizabeth, it seems, was extremely touchy about books and pamphlets touching in any way on her affairs, even romantic ones. When in 1560, pamphlets were circulated showing portraits of the Queen and King Eric of Sweden (at the time a suitor for her hand), the Queen had a proclamation issued empowering wardens of the Stationers' Company to collect in all such papers, which were to be " packed up together in such sort that none be permitted to be seen in any part."

In 1581 a Puritan author, John Stubbs, bencher of Lincoln's Inn, and William Page, a bookseller, published a book entitled *The Discovery of a Gapyng Gulf, whereunto England is like to be*

swallowed by another French marriage, if the Lord forbid not the banns by letting her Majestie see the sin and punishment thereof. In the book, Stubbs protested against an incognito visit by the French prince, which he described as " an unmanlike, unprince-like, French kind of wooing." So angry was the Queen at this that she could find no legal punishment or ruling to suit her purposes from under her own proclamations, and instead made use of an Act passed by Philip and Mary. Under this both Stubbs and Page were condemned to suffer the loss of their right hands. The two men were taken to the market place at Westminster, and there the hands were chopped off with a butcher's knife and mallet. Afterwards they were sent to the Tower for imprisonment.

Now thoroughly on the warpath, Elizabeth issued a decree, through the Star Chamber, which prohibited all printing save in London and the two Universities, each University being allowed one press each " and noe moe." Further, no new printer would be permitted to start up until the " excessive multytude " was reduced by death or otherwise. All existing printers were, of course, to be registered with the Stationers' Company.

As might be supposed, especially in Elizabethan England, the authorities' severity was met by defiance, and the land became alive with secret printing presses, pouring out the propaganda of Puritans, Catholics, and other groups. Nothing the authorities could do would stop this form of rebellion. The net result was that by the turn of the century the Queen had realized that the discontent at censorship was dangerous, and accordingly issued proclamations suspending all privileges and monopolies until their legality had been examined and approved by the law officers of the Crown.

Unfortunately, when James came to the throne two years later, he nullified this action by expressly excluding books from the provisions of the statute by which monopolies were virtually done away with. He even went further and permitted the Stationers' Company to become a sort of book trust—holding patents on five " stocks," the Ballad Stock, the Bible Stock, the Irish Stock, the Latin Stock, and the English Stock.

Once again a trade monopoly was set up, and smaller printers were left out. There is record of a petition to the House of Lords by a group of " poor Free-men and journeymen printers," praying that the new charters of privilege might be dissolved: but nothing came of that.

It wanted the reign of Charles I, however, for a return of the more savage restrictions and punishments. Few stationers, printers, or authors escaped fines or imprisonments. The Puritan writer, William Prynne, brought up before the Star Chamber in 1634, was fined £5,000, sentenced to be degraded from the bar, to stand in the pillory at Westminster and Cheap-side, where he had one of his ears cropped at each place, and to be imprisoned for life. (An eye witness account says that in addition while he stood in the pillory, huge bundles of his writings were burned under his nose, the smoke almost suffocat-ing the unfortunate man.) Three years later the same Prynne was fined a further £5,000 for issuing under a pseudonym another tract—along with the pillory, the loss of what remained of the stumps of his ears, and the mutilation of both cheeks with the letters S.L., meaning " scurrilous libeller."

In 1637, on July 11, the Star Chamber published perhaps the most drastic decree ever issued concerning printing and publishing, ushering in what historians have termed " the darkest age in the history of the English book trade." This document contained 33 new clauses, among them one reducing the number of printers to 23.

The coming of the Civil War lessened the power of this decree, and in fact the Star Chamber itself was dissolved by the Long Parliament in 1641. Alas, as seems to be the habit of all kinds of authority, before long the new Government in turn grew alarmed at the lack of effective censorship, and brought in a new Ordinance, " to prevent and suppress the license of printing." As with the 1637 decree, censors were appointed for the various branches of literature, and there seemed every prospect of another period of bitter repression. However, one bold voice was raised, and captured even more boldly in print, in the now famous 40 page *Areopagitica* by John Milton, called "A Speech for the Liberty of Unlicensed Printing," issued in 1644, and containing the famous passage:

"As good almost kill a man as kill a good book. Who kills a man kills a reasonable creature, God's image; but he who destroys a good book kills reason itself, kills the image of God, as it were, in the eye. Many a man lives a burden to the earth; but a good book is the precious life-blood of a master-spirit, embalmed and treasured up on purpose to a life beyond life."

It would be comforting to mark a gradual breakdown of censorship and repression, following Milton's noble words. But in fact, with the Restoration and the issue of Roger L'Estrange's *Considerations and proposals in order to the Regulation of the Press*, a new period of severity began. Printers were threatened with death, mutilation, the pillory, stocks, whipping, carting and other dire ends, if they offended against the State decrees. Only the subsequent coming to the throne of William of Orange and Queen Anne brought at last the disappearance of the more savage licensing laws, and in effect an end to the Stationers' Company and its virtual police powers.

In 1709 came the famous Copyright Act of Queen Anne—the first copyright statute ever passed in any country. It was a tentative, fumbling, beginning of a new era, under which printers, publishers, booksellers, and above all authors, have gradually worked their way through to a state of affairs where relative justice and fair play are taken for granted—though one must admit there are moments when one or other of the political parties seems to be thinking wistfully of those far off pillories and other dire punishments !

ADDITIONS TO COMMISSIONS

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Arthur Evan Jones, Llettypridd, Bwlch.
Mrs. Helena Myfanwy Jones, 11, King Edward Road, Brynmawr.
Mrs. Nancy May Jones, 14, Oakland Villas, Hay-on-Wye.
Arthur Marston, Haulwen, Llanwrtyd Wells.
William Hugh Sutherland, 155, Worcester Street, Brynmawr.

DENBIGH COUNTY

Colin Michael Butterworth, The Cottage, Marchwiel, nr. Wrexham.
Edward Davies, 71, St. John's Road, Wrexham.
Miss Gertrude Margery Gray, Glen Offa, Ruabon, Wrexham.
Charles Gwynn Hughes, 49, High Street, Denbigh.
Captain Jack Anthony Piers Jones, M.C., Estate Office, Llannerch Park, St. Asaph.
Miss Lydia Jones, 55, Cae Gwilym Lane, Cefn Mawr, Wrexham.
Miss Mair Megan Jones, 79, Ruabon Road, Wrexham.
Miss Edith Joan Robinson, Max Gate, Ebberston Road East, Colwyn Bay.
Mrs. Brenda Beryl Williams, Llys Meirchion, Denbigh.

GLOUCESTER COUNTY

Leslie John Arrowsmith, 30, Kimmins Road, Stonehouse, Glos.
Harold Joseph Baldwin, Ham Villa, Berkeley, Glos.
Major Frederick Herbert Besley, Greenhouse Court, Painswick, Glos.
George Anthony Harford, Ashmead House, Cam, Glos.
Adrian George Warner Holloway, Boscobel, Minchinhampton, Stroud, Glos.
Thomas John, The Old House, Slad, nr. Stroud.
Lieutenant-Colonel Charles Desmond MacQuaide, The Old Parson-age, Stinchcombe, Glos.
Mrs. Margaret Simpson, Quarry Bank, Huntley, Glos.

WHAT IS A RIVER?

By A. S. WISDOM

To the layman, who is probably aware that a river is a flow of natural water in a channel which leads to the sea or another river, such a question as is implied in the title above seems unnecessary. But the lawyer will regard this as a problem which can only be answered in the light of the many available decisions of the courts and statutory definitions. Most legal textbooks dealing with water commence by stating that the anatomy of a river consists of its bed, the banks and the flowing water, and it may be assumed as a matter of fact that every river has a source, such as a spring, initial tributaries or a glacier (in colder countries than Britain), to bring about the flow of water, some sort of a channel with a bed and banks or shores, to contain the flow, and a termination in tidal waters or a larger river.

Definition at Common Law. At common law a river means water flowing in a channel more or less defined, although the channel may be occasionally dry: *R.* v. *Oxfordshire* (*Inhabitants*) (1830) 1 B. & Ad. 289. A stream which flows in a permanently defined channel, although it is fed exclusively by rainwater running off the surface of the land and ceases to flow during a considerable part of each year, is a watercourse, and a river which naturally runs dry a good part of the year does not cease to be a river merely because at times it is accustomed to become dry: *Stollmeyer* v. *Trinidad Lake Petroleum Co.* [1918] A.C. 485. All accessories to a stream, from whatever source, form part of it: *Wood* v. *Waud* (1849) 3 Exch. 748.

Nor does a river cease to be regarded as such if it emerges from, or disappears into, the ground. The moment water of a spring issues from the ground and runs into a defined channel it constitutes a watercourse: *Dudden* v. *Clutton Union* (1857) 1 H. & N. 627. Water, which after flowing in a defined channel for a certain distance, comes lower down on to a chalk bed, where the water gradually filters into and is absorbed by the chalk, is none the less a watercourse: *Maxwell Wilshire* v. *Bromley R.D.C.* (1917) 82 J.P. 12. But "bourne flows" of underground water in a chalk district, which run periodically in times of flood across the surface of the ground in a channel do not constitute a watercourse: *Pearce* v. *Croydon R.D.C.* (1910) 74 J.P. 429.

Is it always necessary that river water must flow along a marked channel? The answer to that is yes, since water which squanders itself over an undefined area is not a watercourse: *Rawstron* v. *Taylor* (1855) 11 Ex. 369, in which it was held that the owner of land has an unqualified right to drain it for purposes of agriculture, in order to get rid of purely surface water, the supply of water being casual and its flow following no regular or definite course, and a neighbouring proprietor cannot complain that he is thereby deprived of such water which otherwise would have come to his land. Waste water which is allowed to flow from a canal is not a watercourse, since the water in the canal is not flowing water: *Staffordshire & Worcestershire Canal Co.* v. *Birmingham Canal Co.* (1866) L.R. 1 H.L. 254.

However, this answer must be qualified. Though the word "stream" in its more usual application does imply water running between defined banks, it is not confined to that meaning—its essence being that it is water in motion as distinguished from stagnant water: *M'Nab* v. *Robertson* [1897] A.C. 129 H.L. Sc. A river may, for part of its length, lose or depart from its normal defined channel without necessarily ceasing to be regarded as a river. A New Zealand case, *Mansford* v. *Ross & Glendenning* (1886) 5 N.Z.R.C.A. 33, decided that where a well defined natural stream emptied into a swamp and all definite channel is lost, but emerges again into a well-defined stream below, it is a question of fact whether it is the same stream. The Australian case of *Lyons* v. *Winter* (1899) 25 V.L.R. 464 held that to constitute a watercourse, such as creates riparian rights, there must be a stream of water flowing in a defined channel or between something in the nature of banks; the stream may be very small and need not always run, nor need the banks be clearly or sharply defined, but there must be a course, marked on the earth by visible signs along which the water usually flows.

Can a stream which runs underground be considered in the same light as one running on the surface? This point has been noted in a number of cases. It appears that the principles which apply to flowing water in streams or rivers on the surface apply equally to water in a defined and known underground channel, but such principles do not relate to underground water which merely percolates through the strata in no known channels (*Chasemore* v. *Richards* (1859) 23 J.P. 596), nor to underground water flowing in a defined channel, where the existence and course of the channel are not known and cannot be ascertained except by excavation: *Bradford Corpn.* v. *Ferrand* (1902) 67 J.P. 21. It was said in the House of Lords in *M'Nab* v. *Robertson, supra* (which decided that water percolating through the ground from marshy land to a pond was not water in a stream) that "the word 'stream' in its primary sense denotes a body of water having, as such body, a continuous flow of water in one direction. It is frequently used to signify running water at places where its flow is rapid, as distinguished from its sluggish current in other places. I see no reason to doubt that a subterranean flow of water may in some circumstances possess the very same characteristics as a body of water running on the surface. But, water, whether falling from the sky or escaping from a spring which does not flow onward with any continuity of parts, but becomes dissipated in the earthy strata, and simply percolates through or along those strata, until it issues from them at a lower level through dislocation of the strata or otherwise, cannot be described as a stream." A watercourse which sinks underground, pursues a subterranean course for a short space and then emerges again, does not cease to be a stream: *Dickinson* v. *Grand Junction Canal* (1852) 7 Ex. 300.

Must a watercourse be natural? Not necessarily, for a watercourse, originally artificial, may, by reason of the circumstances under which it was made and the manner in which it has been used by riparian owners, assume the attributes of a natural watercourse (*Sutcliffe* v. *Booth* (1863) 27 J.P. 613), and where a watercourse is partially artificial and partly natural, so that no one can tell where the artificial part was constructed, the watercourse must be deemed to be a natural watercourse: *Roberts* v. *Richards* (1881) 44 L.T. 271. On the other hand, an artificial stream of a temporary character, having its continuance only whilst the convenience of its owners required it, is not a natural watercourse: *Arkwright* v. *Gell* (1839) 2 H. & H. 17. When considering the statutory definitions of "river," etc., later, it will be observed that, generally speaking, they may be either natural or artificial.

Rivers, other than those which are purely tributaries, eventually join the sea, and their waters become subject to the flow of the tide. Must they then be regarded as being part of the sea and cease to be rivers? Quite clearly, no. If navigable, the tidal part of a river becomes a public navigable river, and although there are important legal distinctions between tidal and non-tidal rivers as regards fishing, navigation, ownership of the bed, etc., a river does not cease to be a watercourse below the point at which the tide ebbs and flows. A tidal river may be included in the term " watercourse " (*Somersetshire Drainage Comrs.* v. *Bridgewater Corpn.* (1900) 81 L.T. 729, H.L.), and the mouth of a river comprehends the whole space between the lowest ebb and the highest flood mark: *Horne* v. *Mackenzie* (1839) 2 Cl. & Fin. 628.

The word " watercourse " in a grant may mean either an easement or right to the running of water, or the channel through which the water runs, or the land over which the water flows. The meaning in each case must be determined by the context: *Taylor* v. *St. Helen's Corpn.* (1877) 37 L.T. 253. In *Doe d. Egremont (Earl)* v. *Williams* (1848) 12 Jur. 455, the word " watercourse " reserved in a lease was taken to be the stream and flow of the water and not the channel through which it flowed.

The cases quoted above give some indication of the attitude adopted by the courts in determining whether a flow of water in any particular circumstances constitutes a river. In *Briscoe* v. *Drought* (1860) Ir. R. 11 C.L. 264, it was stated that where the question at a trial is whether there is a watercourse or not, the judge ought, before he leaves the question for the jury, to instruct them as to what constitutes a watercourse at law.

Statutory Definitions and References. The statutes employ different terms to denote a river, such as " watercourse," " stream " or " river " and their definitions vary according to the Acts concerned.

The **Land Drainage Act, 1930,** uses the term " watercourse," which is defined by s. 81 to include " all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers (other than sewers under the control of a local authority within the meaning of the Public Health Act, 1875—*see* now the Public Health Act, 1936) and passages, through which water flows." In *Bowes* v. *Watson* (1879) 44 J.P. 364, the words " drain, stream or watercourse " which appeared in the Land Drainage Act, 1847, were held not to be restricted to open watercourses and included an underground drain. The expression " main river," also defined by s. 81 of the 1930 Act, refers to those watercourses under the jurisdiction of a land drainage authority or river board, which must be shown on the map for each catchment area and river board area referred to in s. 5 of the 1930 Act and s. 6 of the River Boards Act, 1948. Finally, s. 2 (4) of the 1930 Act defines " river " in relation to a catchment area as meaning the river to which the drainage of that area is directed, and " river " here includes an arterial drain.

The Central Advisory Water Committee in 1947, at the request of the Minister of Agriculture and Fisheries, appointed a Land Drainage Legislation Sub-Committee to consider proposals and to make recommendations for amending and modernizing the law relating to land drainage. The sub-committee's report published in 1951 recommended, *inter alia*, that all watercourses in England and Wales should be divided into three categories and defined according to the authority or body responsible for carrying out drainage works on them, namely—(1) " Watercourses," being the responsibility of river boards (*i.e.*, " main river " watercourses); (2) " Drains," for which internal drainage boards would be responsible; (3) " Ditches," for which riparian owners and occupiers would be responsible, *e.g.*, farm ditches. None of the proposals contained in the report have yet been implemented by statute and they are only mentioned here as being a comparatively recent indication of the method which might be used for classifying rivers for land drainage purposes.

The **Rivers Pollution Prevention Acts, 1876 and 1893** (now repealed and replaced by the Rivers (Prevention of Pollution) Act, 1951) used the term " stream," which was defined by s. 20 of the 1876 Act to include " rivers, streams, canals, lakes and watercourses, other than watercourses at the time of the passing of the Act used mainly as sewers, and emptying directly into the sea or tidal waters." That term also included the sea to such extent, and tidal waters to such point, as, after local inquiry and on sanitary grounds, might be determined by order of the Local Government Board.

Now, by s. 11 (1) of the **Rivers (Prevention of Pollution) Act, 1951,** " stream " includes any river, stream, watercourse or inland water (whether natural or artificial), but does not include (*a*) any lake or pond not discharging to a stream; (*b*) any sewer vested in a local authority; or (*c*) save as otherwise provided by the Act, any tidal waters. A reference to a stream includes a reference to the channel or bed of a stream which is for the time being dry. Section 6 of the Act provides machinery for applying ss. 2-5 of the Act to estuaries and coastal waters.

Section 8 of the **Salmon and Freshwater Fisheries Act, 1923,** refers to waters containing fish and " tributaries thereof," and the meaning of " tributary " has been the subject of several decisions. The following have been held not to be tributaries —an artificial reservoir (*Stead* v. *Nicholas* (1901) 65 J.P. 484), indirect tributaries (*Merricks* v. *Cadwallader* (1881) 46 J.P. 216, D.C.), a reservoir formed by a dam placed across a stream (*Harbottle* v. *Terry* (1882) 47 J.P. 136) and a reservoir constructed across a river valley: *George* v. *Carpenter* (1893) 57 J.P. 311.

The **Public Health Act, 1936,** makes several references to watercourses. Section 30 speaks of " any natural or artificial stream, watercourse, canal, pond or lake," and in ss. 259-263 and 266 the terms " ditch," " watercourse," " stream " are variously made use of. None of these expressions are defined by the Act and resource must be had to the common law interpretation. There have been quite a number of cases in which a stream, by reason of the discharge of sewage thereto, has been held to be a sewer, and this point was finally resolved in the House of Lords in *George Legge & Son, Ltd.* v. *Wenlock Corpn.* (1938) 102 J.P. 93, which established that the status of a natural stream cannot be changed to that of a sewer within the meaning of the Public Health Act, 1875, by the discharge of sewage into it since the coming into operation of the Rivers Pollution Prevention Act, 1876.

The **River Boards Act, 1948** (which led to the establishment of river boards) refers to " rivers, streams and inland waters " without finding it necessary to define such, although, for the purposes of s. 16 (Power to take away samples), " watercourse " means any channel through which water flows. From the point of view of river boards and the exercise of their various functions, *i.e.*, land drainage, pollution prevention, fisheries, the conservation of water and, occasionally, navigation, a comprehensive aspect is taken of rivers, embracing not only the river or group of rivers within the river board area, but also the tributaries, streams and ditches which connect with the major watercourses, the catchment area and, where applicable, adjoining tidal waters. This is, however, subject to the qualification that land drainage functions are restricted to those watercourses shown as " main river " on the official map of the catchment or river board area, and powers relating to navigation are confined to navigable waters.

THE "J.P." AS ORACLE

By THE REV. W. J. BOLT, B.A., LL.M.

(Continued from p. 395, ante)

Occasionally, queries disclose that the public degradation of the stocks was still a mode of punishment. *See* 1847 at p. 671: "In case there are no stocks in a parish where an offence has been committed, would a constable render himself liable to any proceedings if he put a person convicted of drunkenness into the stocks of another parish within the same county in which the offence was committed?" An answer at 1860, p. 398, quotes a counsel's opinion given by Cockburn, L.C.J., when he was at the bar, on the use of the stocks in 1852.

Tenancies in dower were still abundant. The most typical question is at 1848, p. 542.

At mid-century, new legislation brings a host of new themes into the column: friendly societies ("Can they meet at public houses?"), provident societies, and joint-stock companies.

What category of reader was it who submitted the Practical Point at 1871, p. 28? "A medical gentleman refuses to receive letters addressed Mr., saying that the said letters should be Dr. Now his professional titles are these: L.R.C.P.E. (exam.), L.M.R.C.P., M.R.C.S.E., L.M.R.C.S., L.S.A. (London). Will you please inform me whether he is legally entitled to the title of Doctor? Inquirer." The editor knew the answer. "No man is entitled to be called Doctor unless he has taken the highest degree in the faculties of divinity, law, physic, or music. The first class of medical practitioners in rank and legal pre-eminence, is that of physicians."

Such off-the-record queries evoked gentle protests from the perplexed oracle. So, at 1874, p. 143, "We are constantly compelled to remind correspondents that Practical Points submitted to us, must be related to the law." And at 1874, p. 158, "We cannot answer the question respecting police uniforms. The matter is entirely one of contract, and he had better consult an attorney," and on the next page, in reply to "An Old Subscriber from the First Volume of J.P.," "We much regret that we are unable to decide whether a black Geneva gown is the proper vestment for preaching from the pulpit, or whether there is any authority which justifies an incumbent preaching the sermon in his surplice. Mr. Cripps' book is the authority on Church law. We may also refer to Mr. Prideaux's *Churchwarden's Guide*, 12th edn., where the subject of vestments is discussed."

Homer sometimes nods; and there were occasions when correspondents could gleefully sharpen their quills and send off to Fetter Lane evidence that the authorities did not see eye to eye with the editor. But the "J.P." could take it; and take it with grace. At 1882, p. 510, a reader, in refutation of some editorial answer on burial law, has submitted an array of counsel's opinions, and "as all these opinions are contrary to that expressed on the Point before us, at p. 490, we do not feel justified in adhering to it, and we therefore withdraw it."

Every generation produced a few enthusiasts for the externals of the law; and Practical Points, at 1887, p. 269, goes off on a pleasant digression from the beaten track of recurrent topics.

"On reference to my costumier and my perrukier, I find that a town clerk is entitled to wear a cloth gown decked out with velvet, and very hot and very heavy and very expensive, but that he is not entitled to wear a wig unless he is a barrister or a priest (in this latter case he would, it seems, be entitled to wear a sergeant's wig with the coif or tonsure developed upon it), but otherwise he must be content with his own natural skull cap. We town clerks (columns of our community, not to say pillars of the State), whose capitals are of the Doric or bald order of architecture, might be willing to adopt the Whig principle, but then others of us might prefer the hairy 'un heresy. It is a question not to be asked whether some of us omit to sign our Christian names because our orthographical knowledge does not run to it. I have always understood that this liberty of ignorance is limited to clerks of the peace, who are entitled, I believe, to rank with Q.C.'s and wear a silk wig and gown. Altogether, I consider that your subscriber has started a subject of the utmost importance for a Society paper; and if the 'J.P.' is not a journal affecting Society in general, I do not know what paper can be. A Town Clerk."

The editor has learnt to suffer fools gladly, and replies: "We are glad to say that while the 'J.P.' deals with many important matters connected with the community, it is not a Society paper in the sense in which that term is generally understood. We disclaim therefore all knowledge upon the very important questions of wigs, robes, and the like; and we consider that our correspondent has gone to the right quarter in applying for information to his costumier. We think that most of our readers will share our curiosity to see a priest in a town clerk's gown and a sergeant's wig, as graphically described by our correspondent."

Readers could err sometimes. In 1890 at p. 620, a question begins, "Ecclesiastical Law: Hymnal. Dealing with your answer on the 5th April as to unlawful hymnal, would you further . . . ?" and the editor retorts, "There must be some mistake in the reference to our issue of the 5th April. We cannot find in our issue any answer referring to the subject of the above question. Will our correspondent be good enough to refer us to the answer upon which he bases his question?" I am nonplussed that the editor wasted so much space on the query when he could have disposed of it with a penny stamp.

It must have been a gay young neophyte, an adolescent clerk trying out his first paces in legal phraseology, who indited that joyous effusion in 1884 at p. 445. "Assault: Justification on ground that it was to prevent smoking in a railway carriage" is the caption.

"A, a passenger in a railway carriage (not a smoking one) being about to light a cigar, was cautioned by B, a fellow passenger, that the carriage was not a smoking one, and was requested not to smoke. A nevertheless persisted in lighting or attempting to light the cigar which he had in his mouth, whereupon B knocked the cigar out of A's mouth. Assuming that the act of B was an assault in law, but that if A had succeeded in lighting his cigar and puffed the smoke in the direction of B's face, B would have been justified in removing the cigar and entitled, in an action by A for assault, to plead *Son Assault Demesne*, would the case be essentially altered if A, after having been so cautioned and requested, had lit his cigar and had puffed the fumes of the tobacco in the carriage so as to injuriously affect B? Would B be precluded from gently imposing his hands on the *Corpus Delicti* in order to abate the nuisance? Was A a trespasser *Ab Initio?*"

The answer is given with full solemnity. "We cannot assume as much as our correspondent desires. A was no doubt wrong in infringing the railway byelaw, which prohibited smoking

except in a carriage set apart for that purpose. But the mere fact of his smoking when he should not smoke does not justify an assault upon him. If A persisted in puffing his smoke in B's face, it is possible that such conduct might amount to an assault so as to make the assault by B justifiable on the ground of self-defence. This however is very doubtful. The doctrine of trespass *Ab Initio* has no application to such a case."

At 1890, pp. 606 and 718, there are inquiries about Courts Leet.

In 1891, there is a big bulk of queries about the office of churchwarden, and, at p. 237, information is given about another official who was still in the rural landscape. "The qualification for the office of Waywarden is, by 25-26 Vict. 61, 10, the same as was previously for surveyors of highways under 5-6 Will. IV, 5, 7."

A question in 1891, at p. 253, conjures up a charming vignette of rural life. "Have the police the right to enter a club or reading room in a village where refreshments are not served, without a warrant? In such a village club or reading room, which is supported by the subscriptions of its members, and where refreshments are not provided, would it be contrary to the law, for the members to play whist, backgammon, tiddly winks, halma, or such games for money stakes, however small? Would it be contrary to law in such a club or reading room to propose money prizes for tournaments among members, at halma, tiddly winks and such like games? Is there a difference in the eye of the law between a village club of this sort, and one of the London clubs where whist is played every night by the members for money points? Why do the police at once interfere in London clubs where baccarat, and rouge-et-nois are played, and never do so in clubs where whist, ecarte and such games are played for money or money's worth, as much as in the baccarat clubs? Subscriber."

The office was inundated at this period with inquiries about the Local Government Acts and the new statutory councils. In 1892, there were two questions, at pp. 542 and 571, on the eligibility of clergy for the office of company director. The newer professions, now protected and regulated by legislation, move into the picture, and I quote a typical inquiry, from 1891 at p. 41.

"Dentists' Act, 1878. 3. Can a person who has served four years' apprenticeship as a dental surgeon, open on his own account without being duly registered as required by the Act of 1878? And if not, can he carry on the profession and erect a brass plate, or blinds with his name and words, such as "Dental Consulting Rooms, Artificial Teeth constructed on Scientific Principles" without rendering himself amenable to prosecution under the above Act?"

In 1894, p. 235 produces a picturesque query of a species which has long since disappeared.

"Ecclesiastical Law: The parish church of——— possesses a choir not to be excelled in many country places. For years it has been surpliced. A proposal recently to add cassocks has met with opposition and caused much unpleasantness. The adult members consider this unnecessary, and contend that as the proper ornament of the minister in the ministration of Holy Communion and other rites in parish churches is commonly the surplice only, as was in use in the Church of England by authority of Parliament in the second year of Ed. VI, and retained by the Act of Uniformity (1 Eliz. 2, 25, see *Ridsdale* v. *Clifton*) there is no necessity for dressing the choir in excess of the dress of the minister. See also 58th Canon. Your opinion is desired whether this contention can be sustained; and if not, why not?"

The oracle does not falter. "*Ridsdale* v. *Clifton, supra*, has no bearing on the vestments which may be worn by the choir, and there is no legal authority that they shall or shall not wear cassocks."

A novel technique in salesmanship comes to light in 1894 at p. 628. "A retail tobacconist intends to use a piece of printed paper or coupon, of which the enclosed is a copy, as a wrapper or case for goods bought from him. In all cases where the goods bought by one purchaser from him at one time, amount in price to the sum of 3*d*., the tobacconist intends to give a prize each week to the person who, in accordance with the conditions on the coupon, states on the coupon the highest number of correct results. Will he commit any offence; and if so, what offence?"

The anxieties of many clergy and churchwardens fill the column towards the end of the century. Here are three.

At 1890, p. 15. "Churchyard, Person smoking in; Jurisdiction of Churchwardens to stop: If a person is found smoking in a churchyard but otherwise doing nothing objectionable, is it within the power of the churchwarden or sexton to order him to quit, assuming of course that he is not a 'loiterer.' Is there any difference whether divine service be proceeding or not? XY." "It is the duty of the churchwarden to see that no profane usage takes place in the churchyard (Canon 88). We do not suppose it could be reasonably held that smoking in a churchyard is putting the churchyard to a profane or improper use. Even if it was so regarded, neither the churchwardens nor the sexton have the power to turn a person out of the churchyard unless perhaps at the request of the rector (*Worth* v. *Torrington*, 3 M. and W. 781; *Taylor* v. *Timson*, 20 Q.B.D. 673). It makes no difference whether divine service is or is not proceeding at the time, provided the person in question is not a loiterer."

At 1900, p. 44. "Organist: In the parish in which I reside, it has been the universal custom for upwards of fifty years, for Easter vestry to appoint the organist as well as the other officials, churchwardens and sexton. The present organist was first appointed 25 years ago, the then vicar stating that, the former organist having resigned, he had appointed Mr. X in his stead, and the appointment was confirmed and has been renewed year by year. The organist is very popular and has given general satisfaction. The present vicar who has been in the parish only three years has, owing to disagreement with the organist and in order, as he says, to have his own way, taken upon himself to give the organist three months' notice to leave, without consulting the churchwardens; and in their opinion, the organist should remain. I shall be much obliged by your opinion whether or no the vicar can legally take upon himself to dismiss the organist, though it is presumed that he can lock the organ and keep the key. Churchwarden."

And finally, the small-town commotion disclosed in 1896, at p. 639: "Breach of the Peace: The clergy of this town intend carrying banners and crosses through the streets to church. This religious demonstration is objected to by an individual whom I will call 'Number 1,' who is strongly opposed to the High Church party. He has informed the public by means of a newspaper that it is his intention to organize a band of young men who will, on the occasion mentioned, act as they have done at other places, which means, obstructing the procession, hustling those who take part in it, and doing their best to destroy the banners and crosses. It is rumoured that Number 1 is now engaging the services of a number of roughs of the town with a view to assisting him to carry out his designs. Will you kindly oblige by suggesting if any and what proceedings under the circumstances could be taken against Number 1 before the procession comes off, with a view to preventing a

riot or breach of the peace which is anticipated? A Main Armée."

" We doubt whether in the circumstances here stated, anything can be done, either against the leaders of the intended church procession, or against Number 1. Both processions are in themselves lawful, and, according to the above statement, there does not appear to be evidence that, should they meet, violence will ensue. If however, it can be shown that a disturbance or breach of the peace is likely to ensue, proceedings may be taken before the justices, to have the leaders bound over."

Far, far happier the community where partisanship, the spirit of competition, finds other outlets; where, in the words of that halcyon query of 1891, whether contrary to law or not, members provide prizes for " tournaments in halma, tiddly winks, and such like games."

(To be continued.)

MISCELLANEOUS INFORMATION

N.A.L.G.O. ANNUAL CONFERENCE, 1955

Proceedings at the annual conference of the National and Local Government Officers' Association departed from precedent in a number of particulars. All the innovations derived from the association's new policy, resolved upon at the special conference last March, to seek the restoration of the 1946 purchasing power of salaries. This is a claim now being adopted in several parts of the non-manual field of employment, of which the London County Council and the City of London corporation services are outstanding examples. Local government officers, indeed, now present a united front on this issue.

Delegates at the N.A.L.G.O. conference assembled in a determined mood. They remembered that the policy did not originate with their leaders but with the rank and file spokesmen and the overwhelming majority of the branches who made their wishes known at the special conference; delegates, therefore, came with a clear mandate to see that the national executive council were making due progress with the realization of the objective and that any necessary support should be freely accorded to them.

In the event it proved that the executive had a good record to put before the conference. In a speech of great power and persuasiveness, Mr. G. R. Ashton (clerk and financial officer, Keynsham) told the delegates what had already been done. Rapid but exhaustive research had been carried out and an elaborate case had been prepared in substantiation of the claim. Preliminary notice had been given to the employing authorities; negotiations should soon open up on new scales proposed by the staff side; and the next meeting of the National Joint Council would be held on July 14. Similar claims, with proper allowance for the special circumstances of each service, were being drawn up for the gas and electricity industries and the health services.

Mr. Ashton made no attempt to underestimate the magnitude of the task confronting the staff side: earlier agreements and an arbitration award had to be proved inadequate in the light of the improved economic circumstances of the country today. The employers would undoubtedly be hard to convince. Mr. Ashton said that every delegate, and indeed every member of the association, must be an active participant in the presentation of the case. Their negotiators were in the deep end of the bath and the fact that it was the members who pushed them in made no difference: they were now all in it together. When they spoke to the employers they must be confident that they were not speaking for themselves nor for a vocal minority but for every one of their members. The delegates by their tumultuous applause made it plain that they accepted this responsibility, and they gave further evidence by withdrawing from the agenda all the items proposing detailed modifications of salary scales so as to leave the negotiators free to pursue their major claim.

In the spirit of enthusiastic unanimity the conference then faced a familiar topic: should the association affiliate to the Trades Union Congress? It has often been debated and has always aroused keen controversy: as a rough generalization it would be true to say that the forces, over the years, have been equal, though on a ballot in 1948 the proposal to affiliate was defeated by 83,443 votes to 46,200. The debate this year took an entirely new form: there was no opposition to the suggested affiliation. Even the executive council, who in 1948 had counselled against, this year gave no lead; they contented themselves with advising that the conference should not take an out-and-out decision to affiliate but, if it favoured the idea, put it to the membership by ballot. And so it was decided. A two-thirds majority was needed for such a decision, but when the hands went up the opposition proved to be so negligible that the president thought a count was unnecessary.

Further evidence that the membership is solidly behind the leaders in the attempt to get back to living standards of 1946 was seen when the executive council proposed to increase subscriptions—a subject on which conference delegates tend to show themselves less expansive than when it is a question of seeking more pay. On this occasion it was no such matter. Of all the proposed amendments to the executive proposal all were defeated save one which had the effect of giving higher increases than those which the executive asked for. Supporting speeches made it plain that delegates were willing to give the executive all they needed in furtherance of what might prove a difficult and prolonged struggle.

Despite this generous spirit, the delegates would not surrender, as the executive wanted them to, any of their rights to convene special conferences like the one which had brought the present claim into being. The executive had only themselves to blame, said one speaker: if they had initiated a salary claim there would have been no special conference. It was obvious that members were willing to give their leaders support but did not intend their power of summoning them to give an account of themselves or to receive new instructions if they failed to give satisfaction. The executive council bowed before the storm and withdrew their motion.

From the mass of other items which were deftly fitted in between these major affairs there is space to mention only a few. Conference, though not entirely pleased with the working of the Whitley system (especially in the health services) declined to abandon this method in favour of others: one proposal was that a Royal Commission should investigate and report on standards of local government service pay, recruitment, and promotion; another, that joint machinery should be replaced by a set of tribunals, appointed by the Government, before which employers and staff would argue their case as before an arbitration court. Neither plan appealed to the conference.

The proposals of the Phillips Committee for increasing the minimum pension age in statutory public service superannuation schemes was condemned. Conference expressed the view that the local government service had already made an adequate contribution towards meeting the problem by accepting the provisions of the Local Government Superannuation Act, 1953, for inducing older workers to remain in employment.

Lord Burden, addressing the conference, maintained that the doctrine of equalitarianism could be carried too far and that local government officers were justified in seeking the restoration of their previous purchasing power. He noted a new militancy in the presidential address and in other remarks made to conference; on that he remarked that there were limits to a policy of peace, persuasion, and postage stamps. He was gravely concerned about the functioning of Whitleyism in the health services and had had it in mind to raise the question in the House of Lords; he now learned, however, that an inquiry had been started and he would leave it at that. He had also been told that the management side had recently shown a greater tendency to negotiate and at a reasonable speed, which he hoped augured well for the future.

CITY OF LEICESTER— CHIEF CONSTABLE'S REPORT FOR 1954

In a general summary at the beginning of the report the chief constable comments that apart from the Review of the Police by her Majesty the Queen in Hyde Park, nothing unusual happened in Leicester, from the police point of view, except that crime decreased and recruiting showed a decided slump.

The slump in recruiting is a serious matter for a force which has 103 vacancies out of its authorized establishment of 436. Although there were 290 applications to join the force only 21 were appointed. With this serious shortage in manpower the chief constable finds that effective policing of the outer sub-divisions is becoming a problem. The city cannot be said to have neglected police housing as 16 more houses were finished and occupied during the year, making a total of 82 since the end of the war.

An interesting feature of the report is the account of the safe driving scheme. Ten lectures given at police headquarters were attended by 198 private drivers, and 97 of these were accompanied on a drive in their own cars by a police officer who advised them on the finer points of driving. Also, 70 of these drivers took a ride in a police patrol car and listened during the ride to a running commentary on road safety by the police driver. In addition there were 60 lectures at business premises attended by 990 drivers, 163 of whom were accompanied on a drive. The police who took part in this scheme had all been trained at the advanced driving school of the Lancashire constabulary. The scheme must have taken up a good number of hours of police time but it would appear to be very valuable from two points of view. It must make for good relations between police and drivers, and it must also improve the standard of driving of those who take part in it.

This report notes, as have done others we have read, that yet another duty now undertaken by police is that of undergoing training in civil defence. Such extra duties must add to the difficulty of finding the men for what may be called more normal police duties, but the last war demonstrated the value of trained police officers during raids and in subsequent rescue work, and some special training for this purpose is essential.

The rise in prices shows in the report as it does in the daily lives of us all. In 1944-45 the cost, for police purposes, of the rates per head of the population in Leicester was 5*s.* 3*d.*, in 1954-55 it is 10*s.* 11*d.*, more than double in 10 years.

Crime figures for the last five years show that 1951 was the peak year with 3,270 crimes recorded, and 1,539 (47·1 *per cent.*) detected. In 1954 the corresponding figures were 2,129, 1,506 (70·7 *per cent.*). Possibly the higher percentage of detections is due, in part, to the fact that more effort can be concentrated on each crime when the total number is smaller. Juveniles charged numbered 226, exactly the same as in 1953.

Road traffic prosecution figures show a remarkable increase in the number of prosecutions for careless or dangerous driving. The number was 239, an increase of 103 over the previous year.

There is on p. 31 an interesting table showing details, month by month, of the calls received in the information room and their nature. The total was 12,708.

Once again we note that there was a considerable waste of police time brought about by the carelessness of people who left premises insecure or left lights burning in closed premises. Every night in the year at least six premises were left insecure and the police had to hunt for keyholders and to check that all was well in the premises. We are against the creation of fresh offences, but we think that persons who waste police time in this way should be made, in some way, to pay for their carelessness.

There are other interesting features in the report. Chief constables must spend, or see that others spend, considerable time in producing the figures which give so much information in these reports.

MANCHESTER WEIGHTS AND MEASURES DEPARTMENT REPORT

Most reports of chief inspectors recently have expressed disappointment that a comprehensive Act implementing recommendations made by the Hodgson Committee has not yet been forthcoming. Mr. J. R. Roberts, chief inspector for the city of Manchester, points out in his report for 1954 that the Hodgson report was issued in 1951, and says that since then little apparent progress has been made. No doubt, he goes on, there has been considerable activity behind the scenes and it is surely time that some concrete proposals emerged designed to remove existing anomalies and deficiencies in weights and measures legislation and to give the public that protection which it is entitled to expect.

The Manchester Corporation Act, 1954, marks what Mr. Roberts calls a big step forward: "Existing national weights and measures law only applies, so far as the 'short weight' provisions are concerned, to a very restricted list of commodities and then usually only at the retail stage. Under the new powers it is now an offence, within the city, for deficient weight, measure or number to be given in any commodity and in any transaction, whether first-hand, wholesale or retail. Although similar powers have been obtained by a few other local authorities, Manchester is the first of the large cities to acquire them."

There appears to be considerable need for improvement in observing correct weight of bread. The report states that: "21,340 loaves of bread were weighed, of which 5,245 were deficient. This is a considerable increase in the number of short-weight loaves when compared with the 1,480 found deficient in the previous year and the attention of bakers is drawn to the need for careful scaling-off of pieces of dough before baking and the systematic check-weighing of finished loaves before exposure for sale."

Of various other articles of food, a total of 84,609 articles were weighed of which 8,425 or practically 10 *per cent.* were found to be deficient. This seems to us a considerable proportion, and emphasizes the need for constant vigilance on the part of the inspectors. The worries of the inspectors must be increased by the difficulty experienced securing sufficient suitable staff. There have been resignations by inspectors seeking more lucrative employment outside the local government service.

Urging the importance of extending the provisions of the law relating to the sale of other articles than food, Mr. Roberts says: "The arguments against the practicability of applying weights and measures control to certain goods which are being advanced are reminiscent of those advanced 30 or more years ago when the Sale of Food Act was under consideration. The problems of evaporation, absorption and drainage can be largely overcome by improved methods of packing, storage and distribution and there seems no insurmountable reason why any article which is capable of being sold by weight or measure should not be required by law to be sold in that manner, with penalties prescribed for deficiencies." Sugar confectionery, soap powder and detergents are given as examples. As to soap powders, detergents and the like, advertisements exhort the housewife to buy "family" "large" "giant" or "magnum" sized packets, but housewives are not told what is the weight or measure of the contents.

Turning to the sale of coal, coke and wood fuel, the report shows that 7,700 sacks were weighed of which 796 were deficient and 591 loads were weighed, 32 proving deficient. Legal proceedings were taken in 57 cases, an increase of 16 compared with the previous year. There is ample evidence, says the report, of the existence of fraudulent practices. Coal dealers it appears are sometimes aggrieved by proceedings against them in respect of short weight, and blame their employees. While recognizing their difficulties, Mr. Roberts rightly insists that the prime responsibility for correct weight is that of the employer and it is his duty to exercise all the supervision he can over the activities of his loaders and roundsmen. Too often it is found that practically everything connected with the weighing and loading of fuel is left to the carters and little effort made to count the number of bags or to make spot checks of the weight of individual sacks. It is expected that the powers obtained in the new Corporation Act relating to the sale of fuel and to public weighing machines will enable still more effective action to be taken to prevent fraud.

Examples of the kind of fraud practised by some lorry drivers and their mates in the delivery of fuel show how serious this type of offence may be. Here are two taken from the report:

"One of the most serious cases concerned the delivery of coke to a school. The caretaker was called away while the sacks were being unloaded and in consequence only 20 sacks instead of the required 30 were delivered. The man in charge of the lorry was sent to prison for four months and his mate for two months . . .

"An inspector saw a man on the back of a coal lorry taking coal from filled sacks and placing it into an empty sack, and also emptying the contents of sacks on to the floor of the lorry. When the lorry stopped three sacks were placed ready for delivery as three hundredweights. When weighed by the inspector the coal in these sacks weighed only 53½ *lb.*, 82½ *lb.* and 88½ *lb.* The driver of the vehicle was fined a total of £20 and his mate was sent to prison for two months."

DISTRIBUTION OF ROUMANIAN, HUNGARIAN AND BULGARIAN PROPERTY

Extension of the periods in which claims may be made

The Administrators of Roumanian, Hungarian and Bulgarian Property announce that H.M. Treasury have extended to June 30, 1955, the period for accepting applications to establish claims under the Treasury Directions.*

The periods originally prescribed ended on January 31 in the case of Roumania and on February 28 in the case of Hungary and Bulgaria.

Requests for forms in respect of applications not previously lodged, should be made at once to the appropriate Administrator, Branch Y, Lacon House, Theobalds Road, London, W.C.1. It is emphasized that the application forms when duly completed must be received by the Administrator not later than June 30, 1955, and that no application arriving after that date can be considered.

* The Treasury Directions are those of July 26, 1954 (Roumania), August 6, 1954 (Hungary and Bulgaria) and Amendment No. 1 of April 7, 1955.

PLYMOUTH PROBATION REPORT

We have referred elsewhere to the account which is contained in the annual report for 1954 of a new probation office library. There are one or two other matters of interest in the report to which we think it worth while to call attention.

After-care work in connexion with prison and borstal cases is on the increase and in this as in many other reports, stress is laid upon

the difficulty of the work and the need for the help of employers and of the employment exchanges. "Arising out of some of the difficulties experienced with long-term prisoners coming out on licence, and after a discussion with the chaplain of Dartmoor Prison, your senior officer has given periodical pre-release talks to those prisoners at Dartmoor, who are on the next list for release; these talks have been frank, and sometimes brutal in outlining the difficulties which each man may expect to meet on his return to society; but because of, rather than in spite of, their frankness, they have been greatly appreciated by the men concerned, and many vexatious and anxious points have been cleared up for them. It is hoped to continue these in the following year."

The report has also something to say about the future of probation and the probation service. "A thing to be considered is that in time, the work of the probation service will be directed more into the lines of prevention of offences rather than reformation and re-education of the person after he has appeared before court. With more probation officers being appointed and with a decrease in the number of offenders appearing before courts, this may soon become a possibility rather than a probability."

NOTICES

The next court of quarter sessions for the city of Winchester will be held on Thursday, June 30, 1955, at the Guildhall, Winchester, at 10.45 *a.m.*

The next court of quarter sessions for the county of Cheshire will be held on Wednesday, July 6, 1955, at Knutsford.

PERSONALIA

APPOINTMENTS

Mr. Wilfred Notman, principal assistant to the clerk to the justices for the petty sessional division of Romford, Essex, has been appointed deputy clerk to the Bradford city justices in the place of Mr. Edgar Pell who, after serving in that office for 51 years, has retired.

Mr. Douglas H. Mason, who was already on the staff of the clerk to the Bradford city justices, has been promoted to third assistant, taking the place of Mr. B. A. Sanders, who has been appointed chief assistant to the clerk to the justices for the petty sessional divisions of Durham and Chester-le-Street, Co. Durham.

Mr. G. R. Twigden of St. Neots, Hunts., has been appointed fourth assistant to the city of Bradford justices. Until recently Mr. Twigden was assistant to the clerk to the justices for the division of Toseland, Hunts.

RETIREMENT

Mr. Percy Barker, principal administrative assistant in the city treasurer's department of Coventry, Warwicks., corporation has retired after 50 years' service.

OBITUARY

Mr. Cecil Edward Weigall, Q.C., has died at the age of 85. Mr. Weigall was admitted to the New South Wales, Australia, bar in 1896 and took silk in 1925. In the same year, he was appointed Assistant Law Officer and in due course became Attorney-General, a post he held for a number of years.

ETIQUETTE

"Ladies should take tea in their hats when paying an afternoon visit" is the ambiguous advice given in a Victorian guide-book to social behaviour. It may be doubted whether a *vade mecum* of this kind finds many readers today; the young persons of the present age affect to scorn convention, and take a pride in defying the rules which their grandmothers were brought up strictly to observe. Yet, as Bacon has acutely noted, "there is a superstition in avoiding superstition." A well-bred young lady is no longer expected, as a matter of course, to cultivate a modest demeanour, to show respect for her elders, or to be neat and unobstrusive in her dress; she would laugh such conventionality to scorn. But at the same time she probably moves in a "set" where unkempt hair, duffel-coats and beards are *de rigueur*; or keeps company with a crowd for whom (depending upon its age-group) the male idol of the moment—a husky lout, all square jaw and toothy smile, a crooner of indeterminate sex, a *matinée*-idol with the right kind of profile (but few other histrionic qualifications)—holds undisputed sway. Far from emancipating herself, she has in fact exchanged one form of tyranny for another. The conventions are of a different kind, but social ostracism is still the penalty for infringement.

The lives of the people of Britain, from the cradle to the grave, are still as rigidly controlled by superstitions, shibboleths and taboos as any primitive tribe whose beliefs are analyzed by Frazer in *The Golden Bough*. Children of tender years organize themselves in gangs with their own secret passwords and strict rules of membership. Boys and girls at school render unquestioning obedience, in word and act, to arbitrary standards imposed, not by adult authority, but by usages and traditions of their own making; the more expensive the school, the more extravagant the observances. The undergraduate at the university soon discovers that he has but discarded the fantasies of childhood for the whimsies of adolescence. The catchwords of his schooldays no sooner forgotten, he must rapidly acquire a whole set of neologisms prescribed and enforced by his new *milieu*.

Embarked upon a professional career, he starts all over again. The budding lawyer must pick up the slang of the courts, and apply himself to learning new codes of language and conduct intelligible to none but the initiated. Legal etiquette is as bewildering as any other. Why may no barrister interview his lay client unless chaperoned by a solicitor? Why cannot a leader be briefed without a junior counsel in support? Why are fees charged (perversely) in guineas instead of pounds? and how does Counsel's clerk calculate "five and two" as equivalent to £7 17*s* 0*d*.? What is the subtle distinction that confers upon Mr. Justice So-and-So the prefix of "The Honourable" (as though he were the heir to a peerage), while the Privy Councillor's title of "Right Honourable" is applied to members of the Court of Appeal and the House of Lords? And why are all these eminent persons alike addressed as "Your Lordship"? Of all social institutions this ritual of titles is the most esoteric and abstruse; the foreigner who masters its intricacies can be proud of his intimate acquaintance with English usage.

It is in the habits of social intercourse that the most revolutionary changes have occurred. Readers of *The Bab Ballads* will remember the poem that narrates the wreck of the good ship *Ballyshannon*, and describes the embarrassment suffered by the two sole survivors of that disaster:

> These passengers, by reason of their clinging to a mast,
> Upon a desert island were eventually cast.
> They hunted for their meals, as Alexander Selkirk used,
> But they couldn't chat together—*they had not been introduced*!

Those who know their Lewis Carroll will remember how that old Tartar, the Red Queen, reproved poor Alice (who, after all, was a nicely brought-up child) for presuming too much upon her acquaintance with the Leg of Mutton at the Queen's dinner-party:

> "You look a little shy: let me introduce you to that Leg of Mutton," said the Red Queen. "Alice—Mutton: Mutton—Alice." The Leg of Mutton got up in the dish and made a little bow to Alice, and Alice returned the bow, not knowing whether to be frightened or amused. "May I give you a slice?" she said, taking up the knife and fork. "Certainly not!" the Red Queen said, very decidedly; "It isn't etiquette to cut anyone you've been introduced to. Remove the joint!"

An interesting feature of the report is the account of the safe driving scheme. Ten lectures given at police headquarters were attended by 198 private drivers, and 97 of these were accompanied on a drive in their own cars by a police officer who advised them on the finer points of driving. Also, 70 of these drivers took a ride in a police patrol car and listened during the ride to a running commentary on road safety by the police driver. In addition there were 60 lectures at business premises attended by 990 drivers, 163 of whom were accompanied on a drive. The police who took part in this scheme had all been trained at the advanced driving school of the Lancashire constabulary. The scheme must have taken up a good number of hours of police time but it would appear to be very valuable from two points of view. It must make for good relations between police and drivers, and it must also improve the standard of driving of those who take part in it.

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MANCHESTER WEIGHTS AND MEASURES DEPARTMENT REPORT

Most reports of chief inspectors recently have expressed disappointment that a comprehensive Act implementing recommendations made by the Hodgson Committee has not yet been forthcoming. Mr. J. R. Roberts, chief inspector for the city of Manchester, points out in his report for 1954 that the Hodgson report was issued in 1951, and says that since then little apparent progress has been made. No doubt, he goes on, there has been considerable activity behind the scenes and it is surely time that some concrete proposals emerged designed to remove existing anomalies and deficiencies in weights and measures legislation and to give the public that protection which it is entitled to expect.

The Manchester Corporation Act, 1954, marks what Mr. Roberts calls a big step forward: "Existing national weights and measures law only applies, so far as the 'short weight' provisions are concerned, to a very restricted list of commodities and then usually only at the retail stage. Under the new powers it is now an offence, within the city, for deficient weight, measure or number to be given in any commodity and in any transaction, whether first-hand, wholesale or retail. Although similar powers have been obtained by a few other local authorities, Manchester is the first of the large cities to acquire them."

There appears to be considerable need for improvement in observing correct weight of bread. The report states that: "21,340 loaves of bread were weighed, of which 5,245 were deficient. This is a considerable increase in the number of short-weight loaves when compared with the 1,480 found deficient in the previous year and the attention of bakers is drawn to the need for careful scaling-off of pieces of dough before baking and the systematic check-weighing of finished loaves before exposure for sale."

Of various other articles of food, a total of 84,609 articles were weighed of which 8,425 or practically 10 *per cent.* were found to be deficient. This seems to us a considerable proportion, and emphasizes the need for constant vigilance on the part of the inspectors. The worries of the inspectors must be increased by the difficulty experienced securing sufficient suitable staff. There have been resignations by inspectors seeking more lucrative employment outside the local government service.

Urging the importance of extending the provisions of the law relating to the sale of other articles than food, Mr. Roberts says: "The arguments against the practicability of applying weights and measures control to certain goods which are being advanced are reminiscent of those advanced 30 or more years ago when the Sale of Food Act was under consideration. The problems of evaporation, absorption and drainage can be largely overcome by improved methods of packing, storage and distribution and there seems no insurmountable reason why any article which is capable of being sold by weight or measure should not be required by law to be sold in that manner, with penalties prescribed for deficiencies." Sugar confectionery, soap powder and detergents are given as examples. As to soap powders, detergents and the like, advertisements exhort the housewife to buy "family" "large" "giant" or "magnum" sized packets, but housewives are not told what is the weight or measure of the contents.

Turning to the sale of coal, coke and wood fuel, the report shows that 7,700 sacks were weighed of which 796 were deficient and 591 loads were weighed, 32 proving deficient. Legal proceedings were taken in 57 cases, an increase of 16 compared with the previous year. There is ample evidence, says the report, of the existence of fraudulent practices. Coal dealers it appears are sometimes aggrieved by proceedings against them in respect of short weight, and blame their employees. While recognizing their difficulties, Mr. Roberts rightly insists that the prime responsibility for correct weight is that of the employer and it is his duty to exercise all the supervision he can over the activities of his loaders and roundsmen. Too often it is found that practically everything connected with the weighing and loading of fuel is left to the carters and little effort made to count the number of bags or to make spot checks of the weight of individual sacks. It is expected that the powers obtained in the new Corporation Act relating to the sale of fuel and to public weighing machines will enable still more effective action to be taken to prevent fraud.

Examples of the kind of fraud practised by some lorry drivers and their mates in the delivery of fuel show how serious this type of offence may be. Here are two taken from the report:

"One of the most serious cases concerned the delivery of coke to a school. The caretaker was called away while the sacks were being unloaded and in consequence only 20 sacks instead of the required 30 were delivered. The man in charge of the lorry was sent to prison for four months and his mate for two months . . .

"An inspector saw a man on the back of a coal lorry taking coal from filled sacks and placing it into an empty sack, and also emptying the contents of sacks on to the floor of the lorry. When the lorry stopped three sacks were placed ready for delivery as three hundredweights. When weighed by the inspector the coal in these sacks weighed only 53½ *lb.*, 82½ *lb.* and 88½ *lb.* The driver of the vehicle was fined a total of £20 and his mate was sent to prison for two months."

DISTRIBUTION OF ROUMANIAN, HUNGARIAN AND BULGARIAN PROPERTY

Extension of the periods in which claims may be made

The Administrators of Roumanian, Hungarian and Bulgarian Property announce that H.M. Treasury have extended to June 30, 1955, the period for accepting applications to establish claims under the Treasury Directions.*

The periods originally prescribed ended on January 31 in the case of Roumania and on February 28 in the case of Hungary and Bulgaria.

Requests for forms in respect of applications not previously lodged, should be made at once to the appropriate Administrator, Branch Y, Lacon House, Theobalds Road, London, W.C.1. It is emphasized that the application forms when duly completed must be received by the Administrator not later than June 30, 1955, and that no application arriving after that date can be considered.

* The Treasury Directions are those of July 26, 1954 (Roumania), August 6, 1954 (Hungary and Bulgaria) and Amendment No. 1 of April 7, 1955.

PLYMOUTH PROBATION REPORT

We have referred elsewhere to the account which is contained in the annual report for 1954 of a new probation office library. There are one or two other matters of interest in the report to which we think it worth while to call attention.

After-care work in connexion with prison and borstal cases is on the increase and in this as in many other reports, stress is laid upon

the difficulty of the work and the need for the help of employers and of the employment exchanges. "Arising out of some of the difficulties experienced with long-term prisoners coming out on licence, and after a discussion with the chaplain of Dartmoor Prison, your senior officer has given periodical pre-release talks to those prisoners at Dartmoor, who are on the next list for release; these talks have been frank, and sometimes brutal in outlining the difficulties which each man may expect to meet on his return to society; but because of, rather than in spite of, their frankness, they have been greatly appreciated by the men concerned, and many vexatious and anxious points have been cleared up for them. It is hoped to continue these in the following year."

The report has also something to say about the future of probation and the probation service. "A thing to be considered is that in time, the work of the probation service will be directed more into the lines of prevention of offences rather than reformation and re-education of the person after he has appeared before court. With more probation officers being appointed and with a decrease in the number of offenders appearing before courts, this may soon become a possibility rather than a probability."

NOTICES

The next court of quarter sessions for the city of Winchester will be held on Thursday, June 30, 1955, at the Guildhall, Winchester, at 10.45 *a.m.*

The next court of quarter sessions for the county of Cheshire will be held on Wednesday, July 6, 1955, at Knutsford.

PERSONALIA

APPOINTMENTS

Mr. Wilfred Notman, principal assistant to the clerk to the justices for the petty sessional division of Romford, Essex, has been appointed deputy clerk to the Bradford city justices in the place of Mr. Edgar Pell who, after serving in that office for 51 years, has retired.

Mr. Douglas H. Mason, who was already on the staff of the clerk to the Bradford city justices, has been promoted to third assistant, taking the place of Mr. B. A. Sanders, who has been appointed chief assistant to the clerk to the justices for the petty sessional divisions of Durham and Chester-le-Street, Co. Durham.

Mr. G. R. Twigden of St. Neots, Hunts., has been appointed fourth assistant to the city of Bradford justices. Until recently Mr. Twigden was assistant to the clerk to the justices for the division of Toseland, Hunts.

RETIREMENT

Mr. Percy Barker, principal administrative assistant in the city treasurer's department of Coventry, Warwicks., corporation has retired after 50 years' service.

OBITUARY

Mr. Cecil Edward Weigall, Q.C., has died at the age of 85. Mr. Weigall was admitted to the New South Wales, Australia, bar in 1896 and took silk in 1925. In the same year, he was appointed Assistant Law Officer and in due course became Attorney-General, a post he held for a number of years.

ETIQUETTE

"Ladies should take tea in their hats when paying an afternoon visit" is the ambiguous advice given in a Victorian guide-book to social behaviour. It may be doubted whether a *vade mecum* of this kind finds many readers today; the young persons of the present age affect to scorn convention, and take a pride in defying the rules which their grandmothers were brought up strictly to observe. Yet, as Bacon has acutely noted, "there is a superstition in avoiding superstition." A well-bred young lady is no longer expected, as a matter of course, to cultivate a modest demeanour, to show respect for her elders, or to be neat and unobstrusive in her dress; she would laugh such conventionality to scorn. But at the same time she probably moves in a "set" where unkempt hair, duffel-coats and beards are *de rigueur*; or keeps company with a crowd for whom (depending upon its age-group) the male idol of the moment—a husky lout, all square jaw and toothy smile, a crooner of indeterminate sex, a *matinée*-idol with the right kind of profile (but few other histrionic qualifications)—holds undisputed sway. Far from emancipating herself, she has in fact exchanged one form of tyranny for another. The conventions are of a different kind, but social ostracism is still the penalty for infringement.

The lives of the people of Britain, from the cradle to the grave, are still as rigidly controlled by superstitions, shibboleths and taboos as any primitive tribe whose beliefs are analyzed by Frazer in *The Golden Bough*. Children of tender years organize themselves in gangs with their own secret passwords and strict rules of membership. Boys and girls at school render unquestioning obedience, in word and act, to arbitrary standards imposed, not by adult authority, but by usages and traditions of their own making; the more expensive the school, the more extravagant the observances. The undergraduate at the university soon discovers that he has but discarded the fantasies of childhood for the whimsies of adolescence. The catchwords of his schooldays no sooner forgotten, he must rapidly acquire a whole set of neologisms prescribed and enforced by his new *milieu*.

Embarked upon a professional career, he starts all over again. The budding lawyer must pick up the slang of the courts, and apply himself to learning new codes of language and conduct intelligible to none but the initiated. Legal etiquette is as bewildering as any other. Why may no barrister interview his lay client unless chaperoned by a solicitor? Why cannot a leader be briefed without a junior counsel in support? Why are fees charged (perversely) in guineas instead of pounds? and how does Counsel's clerk calculate "five and two" as equivalent to £7 17*s* 0*d*.? What is the subtle distinction that confers upon Mr. Justice So-and-So the prefix of "The Honourable" (as though he were the heir to a peerage), while the Privy Councillor's title of "Right Honourable" is applied to members of the Court of Appeal and the House of Lords? And why are all these eminent persons alike addressed as "Your Lordship"? Of all social institutions this ritual of titles is the most esoteric and abstruse; the foreigner who masters its intricacies can be proud of his intimate acquaintance with English usage.

It is in the habits of social intercourse that the most revolutionary changes have occurred. Readers of *The Bab Ballads* will remember the poem that narrates the wreck of the good ship *Ballyshannon*, and describes the embarrassment suffered by the two sole survivors of that disaster:

> These passengers, by reason of their clinging to a mast,
> Upon a desert island were eventually cast.
> They hunted for their meals, as Alexander Selkirk used,
> But they couldn't chat together—*they had not been introduced*!

Those who know their Lewis Carroll will remember how that old Tartar, the Red Queen, reproved poor Alice (who, after all, was a nicely brought-up child) for presuming too much upon her acquaintance with the Leg of Mutton at the Queen's dinner-party:

> "You look a little shy: let me introduce you to that Leg of Mutton," said the Red Queen. "Alice—Mutton: Mutton—Alice." The Leg of Mutton got up in the dish and made a little bow to Alice, and Alice returned the bow, not knowing whether to be frightened or amused. "May I give you a slice?" she said, taking up the knife and fork. "Certainly not!" the Red Queen said, very decidedly: "It isn't etiquette to cut anyone you've been introduced to. Remove the joint!"

Contrast this strict adherence to protocol with the easy-going way in which the young (and even the not so young) nowadays scrape acquaintance with complete strangers on the strength of standing in the same bus-queue, leaning up against the same bar, or sheltering from a shower in the same doorway. Before you know where you are, they are calling you by your christian name, or lavishing upon you (according to their age and sex) such horrid familiarities as "old chap," "buddy" or even "poppet." This pernicious practice is encouraged by the popular press, which flatters its readers into imagining themselves on terms of easy familiarity with stars of the radio and television firmament, notorious society vamps, and even the better-known politicians of the day, by the apparently casual use of their first names, or (worse still) of the affectionate diminutives usually reserved to intimate family occasions. Some of us may yet live to see these vulgar mannerisms extended to the High Court Bench: and if, some day, we read in the evening paper that Old Smokey has sent down some hardened offender for a 10-year stretch, it will be interesting to observe whether the distinguished Judge in question treats the matter as a particularly heinous case of contempt, or maintains that Olympian aloofness which is expected of those who hold high judicial office.

It is reassuring to note that the British Council, at any rate, is reverting to the good old ways. One of its multifarious activities is to look after the welfare of colonial students in Britain. Lectures have, it seems, been arranged on the Manners and Customs of the Natives of these Islands—"friendly on the whole, but intolerant of discourtesy." On this premonitory note the Council has launched into a series of "dos" and "don'ts" which these strangers in a strange land will find both practical and explicit—assuming that they persist in their researches among us, and are not driven to taking the first available passage home in apprehension of the outlandish things they hear.

Rose Maybud, the simple village-maiden of *Ruddigore*, never took any step of importance without consulting her Guide to Etiquette:

> "But here it says, in plainest print,
> *It's most unladylike to hint:*
> You *may* not hint,
> You *must* not hint—
> It says *You mustn't hint*—in print!"

But even she would have been astonished to learn some of the things enjoined upon these colonial visitors to our shores:

> When you go out to meals, an offer to help with the washing-up will be appreciated, *particularly by the husband*. Week-end visitors should give a hand in the kitchen, or at least offer to do so . . . Do not monopolize the bathroom or litter it with oddments you have washed . . . A student invited for tea at 4.30 should leave by 6.15, unless pressed to stay.

This last injunction neatly echoes the quotation with which we began. The wheel has come full circle: life will become more civilized for all of us if our visitors from abroad, taking these tactful words carefully to heart, set the rest of us so edifying an example.

A.L.P.

THE WEEK IN PARLIAMENT

From Our Lobby Correspondent

COUNTY COURTS BILL

The Attorney-General has introduced in the Commons a Bill "to extend the jurisdiction of county courts and, in connexion therewith, to make further provision for the despatch of business in county courts by increasing the number of judges and otherwise, and provide for appeals from county courts on questions of fact."

The main purpose of this Bill is to give effect, with modifications, to the proposals contained in the First Interim and Final Reports of the Committee on Supreme Court Practice and Procedure, for increasing the jurisdiction of county courts in England and Wales and for conferring a limited right of appeal on questions of fact.

Clause 1 increases the jurisdiction in actions of contract and tort from £200 to £400, with power to increase it to £500 by Order in Council. Under this clause a defendant will no longer be able to require such an action to be transferred to the High Court where the claim exceeds £100. Clause 1 also enlarges the class of case in which a plaintiff who has taken proceedings in the High Court which he could have taken in the county court is not entitled to recover from the defendant any costs at all, or costs in excess of the county court scale.

Clauses 2 to 4 make corresponding increases in the jurisdiction in actions relating to land, and in admiralty and probate proceedings. Under cl. 2, the test of jurisdiction in actions relating to land will depend on rateable value instead of, as now, on the yearly value or rent.

Clause 5 will enable parties to confer jurisdiction on the county court by agreement without first commencing proceedings in the High Court, thus reversing a recent decision of the Court of Appeal.

Clause 6 adapts the Local Acts applying to the Mayor's and City of London Court in order to secure, first, that in cases falling within its county court jurisdiction under the Bill county court, and not High Court, procedure shall be used.

The Bill increases the authorized number of county court judges from 65 to 80. In the event of the fifteen additional judges being appointed, the increased charges in respect of salaries, pensions and travelling allowances will eventually amount to about £52,000 a year.

Clause 9, giving modified effect to a recommendation in the Final Report of the Committee on County Court Procedure about the powers of registrars, provides that rules of court may be made raising the limit of the registrar's jurisdiction in defended actions from the present figure of £10 to £30, and enabling the registrar to try any other action by leave of the judge and with the consent of the parties. Under cl. 10, rules of court may be made to enable county court judges to hear actions at any convenient court on their circuits.

Clause 11 has the general effect of conferring a right of appeal on questions of fact in all county court actions which, but for the extended jurisdiction given by the Bill, would have had to be brought in the High Court. Thus there will be a right of appeal on fact in actions of contract and tort involving more than £200, but not in actions for the recovery of possession of premises to which the Rent Restrictions Acts apply.

The Financial Memorandum to the Bill states that the increase in county court jurisdiction effected by the Bill will necessitate the appointment of additional staff. The cost is difficult to estimate because the number of staff required will depend on the extent to which proceedings at present brought in the High Court are in future brought in the county courts, but it is unlikely that the net additional expenditure from the County Court Vote will exceed £60,000.

CRIMINAL JUSTICE ADMINISTRATION BILL

In the House of Lords, the Lord Chancellor has introduced a Bill "to make new arrangements as to the administration of criminal justice in Lancashire, and to amend the law of England and Wales as to recorders and courts of quarter sessions in boroughs, as to stipendiary magistrates and their deputies, as to the liability of boroughs to contribute to the costs of magistrates' courts and courts of quarter sessions for the county and as to the constitution for purposes of appeals of a court of quarter sessions for the county of London."

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF LORDS

Monday, June 13

CRIMINAL JUSTICE ADMINISTRATION BILL, read 1a.

HOUSE OF COMMONS

Tuesday, June 14

ROAD TRAFFIC BILL, read 1a.

COUNTY COURTS BILL, read 1a.

Friday, June 17

RATING AND VALUATION (MISCELLANEOUS PROVISIONS) BILL, read 2a.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Education—*School transport—Two walking miles plus vehicular travel.*

The children of villages A, B, C, D, E and F who attend a grammar school in a town eight miles from F have until recently been conveyed to the school by motor coaches. The education authority have now withdrawn this facility and require the children to travel by train. The train starts from B, the children of A and C being taken by coach to the station. They are picked up at central points at A and C. The train then proceeds to D, E, and F, picking up children at each of these villages. In the case of A, C, and F, and possibly also E, many of the children have a distance of almost a mile to walk before reaching the coach or railway station. The children have nearly another mile to walk to the school from the station in the town concerned.

In view of the decision in the case of *Surrey County Council* v. *The Ministry of Education* [1953] 1 All E.R. 705; 117 J.P. 194, can it be held that the education authority are not providing reasonable travel facilities between home and school? It will be recalled that the Judge said the words in the Act meant transport over the whole distance between home and school, not actually from door to door, but from a point reasonably near thereto. The education authority contend that they need not provide transport to the station unless the child lives more than three miles therefrom.

ATCHOAK.

Answer.

The statutory walking distance of three miles for a child over eight is by s. 39 (5) to be measured from its home to its school, not to a station or other pick-up point. The contention last stated in the query is therefore incorrect. But it is not directly relevant. Transport must be provided in this case, but the Act only requires "suitable arrangements." On the facts given which are not those of the Surrey case, these children will walk less than one mile, then have an interval of seated travel, then walk less than another mile in the morning, and the same in the evening. The Act expects children over eight to walk three miles twice a day, and even children under eight to walk further at a stretch than the children in this query. To call the arrangements in the query unsuitable for children of grammar school age seems preposterous.

2.—Housing Act, 1949, s. 4—*Advance to board of finance.*

The council makes advances under s. 4 of the Housing Act, 1949. An application has been received from a diocesan board of finance for assistance in building two bungalows at their girls' training college. The board of finance is an association incorporated under the Companies Acts. The council is authorized by s. 4 to make advances to "any persons." Is it your opinion that the board can be treated as a person for this purpose?

PONDAM.

Answer.

Yes, in our opinion; *see* Interpretation Act, 1889, s. 19.

3.—Husband and Wife—*Maintenance order—Divorce on ground of wife's insanity—Discharge of maintenance order—Service of summons.*

A obtained a maintenance order against B in this court on November 18, 1947, in respect of herself and the two children of the marriage. B paid regularly under the order until July, 1948, when A was admitted to a mental institution. B then took the physical custody of the children and no further payments have been made under the order. The children are now over sixteen years of age. On October 26, 1954, B was granted a decree *nisi* on the grounds of A's incurable insanity, and this was made absolute on December 13, 1954. The Official Solicitor consented to act as A's guardian *ad litem* and the petition was served upon him. Provision was made by the divorce court for A's maintenance, but it is understood that this is considerably less than the amount due under the magistrates' order.

B now desires to apply to the magistrates' court for the discharge of the order made on November 18, 1947, on the grounds that he has obtained a decree absolute because of A's incurable insanity, and that provision has been made by the divorce court for her maintenance.

The question arises as to service of the necessary summons upon A. Whilst provision is made for service upon the Official Solicitor as guardian *ad litem* in divorce proceedings under the Divorce Rules, I can find no authority for service of a summons in a similar manner under the Magistrates' Courts Act or the Rules made thereunder.

The Official Solicitor has intimated that he will accept service of the summons and I should be glad if you would advise whether in your opinion this would be good service.

SELBURY.

Answer.

On the principle of *Kilford* v. *Kilford* [1947] 2 All E.R. 381; 111 J.P. 495, the order of the magistrates' court cannot be enforceable as well as the order of the High Court, and the former ought to be discharged. For this reason we consider that, although there is no statutory authority for service on the Official Solicitor, the justices could properly treat service upon him as valid, since he is willing to act.

It is possible that the former wife, although of unsound mind, may be able to appreciate the fact that these proceedings are being undertaken and that the Official Solicitor is acting on her behalf. If so it would be well to serve a copy of the summons on her.

4.—Licensing—*Permitted hours—Whether "supper-hour extension" operates at close of late hour permitted by special order of exemption.*

At a recent court a club was represented and asked for an extension of permitted hours for the club until 1 *a.m.* As the police superintendent I asked the court to please indicate whether this would mean that the supper-hour extension would continue after 1 *a.m.* or whether it was the wish of the justices that drinking ceased at 1 *a.m.* on the special occasion. At least one of the justices indicated that he was not aware that this club continued until 2.30 *a.m.* on these occasions by reason of the one hour for supper-hour extension and the half an hour for consuming under conditions. The solicitor making the application objected to my raising this matter and indicated that "of course they would continue until 2.30 *a.m.*" I replied that I felt I should inform the justices of any such circumstances and that they alone would make a decision. The learned clerk of the court feels that the matter is not without doubt but that the justices cannot interfere with the supper-hour extension in force.

I agree but I respectfully submit the following reasons in support of my contentions: (*a*) that I was correct in informing their worships of the position, and (*b*) that the supper-hour extension was not tacked on to a special order of exemption. I submit the following reasons:

1. Under s. 105 of the Licensing Act, 1953, at p. 975 of *Paterson*, sub-note (*a*), the present rules, etc., "Also to the granting of certificates under s. 3 of the 1921 Act (now s. 104, *supra*), relative to the sale and supply of intoxicating liquor to be consumed with a meal one hour after the conclusion of *ordinary* permitted hours at night, . . ." I think the use of the word ordinary here, might well mean what it says and not apply to special hours.

2. Under s. 104, p. 969 of *Paterson*, it reads:

"(2) The permitted hours in any licensed premises to which this section applies, shall on week-days be increased by the addition of one hour at the end of the evening permitted hours fixed by or under s. 101 of this Act."

Subsection 3 of s. 104, pp. 969-970 of *Paterson*, reads:

"The permitted hours in the premises of any club to which this section applies, may, on week-days, be one hour longer and end in the evening one hour later than is allowed by the last preceding section."

Although under s. 101 which deals with permitted hours there is note (*c*) which may be against me. It reads:

"These hours are subject to the addition of one hour at the end of the permitted hours, which is provided for by s. 104, *post*, in the case of premises in respect of which a certificate under that section is in force, with the further addition of half an hour for the consumption with a meal of liquor sold or supplied at the same time as the meal for such consumption. They are also subject to the exemptions granted under ss. 106 and 107, *post*." I note here that the permitted hours are subject to the addition of the supper hour. The permitted hours (not the permitted hours and the supper hour) are also subject to the exemption granted under ss. 106 and 107. There is no mention of adding on here, only that the permitted hours are subject to the special or general orders. A perusal of the provision of s. 107 is revealing.

Further support for my contention seems to be at pp. 967-968 of *Paterson*, 1955, at note (*c*). And by s. 104, "if the members of a registered club are entitled if the licensing justices are satisfied . . . and the club obtains a certificate from the licensing justices to supply intoxicating liquor for consumption at a meal one hour after the *ordinary permitted hours* in the evening."

Do you consider that:

1. I was correct in informing the justices as to the position especially as I was asked whether there was any objection.

2. That a special order of exemption from the permitted hours does not mean that the supper hour is added to the special order of exemption. ORISCA.

Answer.

Permitted hours on week-days are fixed, in the case of licensed premises, in accordance with s. 101 of the Licensing Act, 1953, and, in the case of a registered club, by s. 103 (1)–(3) of the Act.

The "supper-hour extension," which enables intoxicating liquor to be sold or supplied for consumption with a meal during one hour after the end of permitted hours is, by s. 104 (2) (3) of the Licensing Act, 1953, clearly restricted to permitted hours as fixed in accordance with s. 101 or s. 103 of the Act.

Section 107 of the Act enables a special order of exemption to be granted, whereby there is an "addition to the permitted hours," but there is nothing in s. 104 or s. 107 indicating that the "supper-hour extension" operates, in such a case, after the added permitted hours.

Section 102 (2) (*d*) introduces the saving for consumption of intoxicating liquor within half an hour after the conclusion of permitted hours where that intoxicating liquor was served with a meal for consumption at the meal, and "permitted hours," for this purpose, is not related to those fixed in accordance with s. 101 or s. 103. Therefore, we think that this saving may be related to permitted hours as enlarged by a special order of exemption granted under s. 107.

In our opinion, where a licence holder or a secretary of a registered club obtains a special order of exemption permitting the sale or supply of intoxicating liquor until 1 *a.m.*, the "supper-hour extension" is merged in it, but a person who has been supplied with intoxicating liquor before 1 *a.m.*, served at the same time as a meal and for consumption at the meal, may lawfully consume that liquor until 1.30 *a.m.*

5.—Magistrates—*Jurisdiction and powers—Enforcement of arrears under affiliation orders, etc.—Remanding the defendant.*

I refer to the article on "Adjournment and Remand" appearing at 118 J.P.N. 274 and in particular to the paragraphs devoted to the question of remand in cases concerning enforcing payment of arrears under affiliation orders and orders similarly enforceable. Apparently it has been taken for granted that s. 47 of the Magistrates' Courts Act, 1952, is applicable to arrears proceedings, and it is upon this point I disagree with the article. Section 74 quite clearly lays down the procedure to be followed for the enforcement of these arrears, and included in this section is power to enforce the attendance of the defendant by the issue of a warrant, and as it is impossible to enforce the order without the defendant being present I would venture to suggest the warrant is issued pursuant to s. 74 (3) and not s. 47, even though the defendant may have failed to answer to a summons. If my view is correct then it would appear there is no power to remand in custody a defendant in such arrears proceedings. JOKER.

Answer.

We think that the opinion expressed in the article referred to is correct. Section 74 (1) enacts that the procedure to be followed is that for an order on complaint, but s. 74 does make certain exceptions to that procedure as it is laid down in ss. 43 to 49.

Section 43 provides for the issue of a summons in the first instance, and not of a warrant, but s. 47 (2) allows the issue of a warrant after failure to answer a summons. When the complaint is one for arrears s. 74 (3) provides, as an exception, that a warrant may be issued in the first instance. If, therefore, a warrant is issued after failure to answer a summons the authority for its issue is s. 47 (2) and the power to remand given by s. 47 (5) is imported. If the warrant is issued in the first instance the authority is s. 74 (3) and s. 47 (5) is not applicable.

6.—Public Health Act, 1936—*Sewers—Old sewers carrying road drainage only—Vesting.*

1. In the village of A there are sewers which also convey highway water and have done so for many years. The rural district council are about to lay new sewers for the purpose of taking foul water only, and will connect thereto pursuant to s. 22 of the Public Health Act, 1936, those houses at present using the old sewers. The question then arises whether the old sewers remaining, which will thenceforth take only highway water, will vest in the county council as the highway authority and become highway drains, or will still vest in the rural district council, with a continuing right of the county council to use them for highway water.

2. If in the course of the work the county council are deprived of the use of any existing sewer into which they at present discharge highway water, are the district council liable to provide an alternative, simply for the purpose of taking highway water? P.B.

Answer.

1. In our opinion, the sewers remain sewers with a right of the county council to discharge into them.

2. The council must do what they can to provide for the disposal of the highway water during the transition stage, but they are not required to go to unreasonable expense.

7.—Rating and Valuation—*Distress—Uncertificated bailiff.*

The rating officer to a borough council has been informed by the police that they are giving up the execution of rate distress warrants within the near future, and the council have made arrangements for an ex-metropolitan police officer to carry out these duties. Will this officer require a certificate or any other authority to distrain on goods and to sell them? I have noticed that in your answer to P.P. 9 at 111 J.P.N. 524 you state that—"Strictly it is not necessary for a person employed as bailiff by a rating authority to hold a certificate from a county court judge, . . ."

Will you please therefore advise as follows:

1. Does this proposed bailiff require a certificate or any other authority to distrain on and to sell goods seized?

2. If so, from whom and how is the certificate obtained?

3. Having seized goods could this bailiff enter them for sale in any local auction of furniture and effects? ARORD.

Answer.

1. Not a certificate, if by this you mean a bailiff's certificate in the technical sense: *see* the quoted answer. It dealt with several matters and is worth perusing as a whole.

2. He must have a document establishing his right to act as agent of the rating authority. The warrant is directed to them, jointly with the police, and any person who is not a policeman can only act as an agent of the rating authority.

3. Again, he can do so if the authority so instruct him. He seizes for them, and his possession is their possession.

8.—Road Traffic Acts—*Trailer—Combine harvester not self propelled—Conditions governing its use as a trailer.*

A motor lorry, u.w. 2 *tons* 15 *cwt.*, is towing on a road a combine harvester, two wheeled with pneumatic tyres, a non power driven type, and 10 *ft.* 4 *in.* overall width. The lorry is 7 *ft.* 6 *in.* in width and the additional 2 *ft.* 10 *in.* width of combine extends to the off-side. It would seem that this combine is a trailer drawn by a motor vehicle and that the Motor Vehicles (Authorisation of Special Types) General Order, 1952, does not apply as this combine is non powered. The further question arises whether the Motor Vehicles (Construction and Use) Regulations, 1951, as amended apply, and if under the particular circumstances, the trailer comes within the definition of a land implement, thereby excluding some of the regulations. Please state what, if any, regulations under the above circumstances restrict the use of the lorry and trailer, in regard to speed, width, etc. J. ARCOS.

Answer.

We agree that the Special Types Order does not apply.

We find that the definition of "land implement" in reg. 3 of the Construction and Use Regulations difficult to construe, but on the whole we think that the phrase "used with a land locomotive . . . in connexion with agriculture," etc., is descriptive of the type of implement or machinery, and does not require that there must always be a land locomotive or tractor attached to warrant the implement or machinery being described as a "land implement."

On this assumption the only relevant restricting provision we have found (we do not pretend to have made an exhaustive search) is that in the Road Traffic Act, 1930, sch. 1, para. 2 (2) (*a*), which limits the speed to 20 miles per hour.

9.—Slaughter of Animals—*Knacker's personal licence—Slaughter elsewhere than at knacker's yard.*

There are, in this district, no licensed knackers' yards but horse slaughterers operating outside the district come into the district and slaughter individual horses. One slaughterer has now asked my council to issue individual licences to three employees, because he takes the view that s. 3 (3) of the Slaughter of Animals (Amendment) Act, 1954, makes the licences he holds in his own district invalid elsewhere. As far as I can see, however, s. 3 (1) of the Slaughter of Animals Act, 1933, only requires a slaughterman to hold a licence to slaughter horses in a knacker's yard. I cannot find that there is any requirement that a horse must be so slaughtered, and it therefore appears that an unlicensed person may at any time slaughter a horse or indeed any other animal on a farm or elsewhere. It would also appear that the requirement that mechanical instruments shall be used also applies only to slaughter-houses and knackers' yards and not to animals killed in the open. AXELLA.

Answer.

We agree. Section 3 (3) of the Act of 1954 applies to licences granted under s. 3 of the Act of 1933. The scope of this is limited, as you state.

OFFICIAL AND CLASSIFIED ADVERTISEMENTS, ETC. (*Contd.*)

COUNTY OF RUTLAND

Appointment of Justices' Clerk

APPLICATIONS are invited from duly qualified persons for the part-time appointment of Clerk to the Justices for the County of Rutland. Personal salary £565, rising to £675 by two annual increments. Allowances are paid under s. 19 (6) of the Justices of the Peace Act, 1949, for staff and accommodation. The successful applicant will be required to provide office accommodation in Oakham and to take up the appointment on October 3, 1955. Applications, giving qualifications and experience, must reach me not later than July 5, 1955.

G. E. BOUSKELL-WADE,
Clerk to the Magistrates' Courts Committee.

17 Burley Road,
Oakham, Rutland.

COUNTY BOROUGH OF DONCASTER

APPOINTMENTS to be filled by Solicitors with the appropriate qualifications and experience:

Senior Assistant Solicitor—Salary £900 × £40—£1,100.

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The appointments are superannuable, subject to satisfactory medical examination, and will be terminable by one month's notice. Canvassing disqualifies.

Applicants must state whether or not they are related to any Member or Senior Officer of the Council.

Applications are to be sent to the undersigned not later than July 7.

H. R. WORMALD,
Town Clerk.

1 Priory Place,
Doncaster.

WEDNESFIELD URBAN DISTRICT COUNCIL

Engineer and Surveyor's Department

Appointment of Chief Assistant Engineer

APPLICATIONS are invited for the appointment of Chief Assistant Engineer at a salary in accordance with Grade A.P.T. IV. N.J.C. Service Conditions apply.

Candidates must have obtained the Testamur Examination of the Institution of Municipal Engineers or hold an equivalent qualification. The appointment is subject to the Local Government Superannuation Acts, to the successful candidate passing a medical examination, and to one month's notice on either side. Housing accommodation will be provided for the successful applicant and reasonable removal expenses will be paid if necessary.

The Urban District is developing rapidly as an "overspill" area and the Department is responsible for many large capital works. The appointment, therefore, offers a varied experience.

Applications stating age, qualifications, previous appointments, and details of experience, together with the names and addresses of two referees, must reach the undersigned not later than July 11, 1955.

W. G. MORGAN,
Clerk of the Council.

Council Offices,
Wednesfield, Staffs.

BOROUGH OF MAIDENHEAD

Deputy Town Clerk

APPLICATIONS are invited for this post from Solicitors with Municipal experience. Salary in accordance with salary A.P.T. Grade VI (£825—£1,000).

Applications, stating age, qualifications and experience, together with the names of two persons to whom reference can be made, should be sent to me not later than July 10, 1955.

STANLEY PLATT,
Town Clerk.

Guildhall, Maidenhead.

MIDDLESEX COMBINED PROBATION AREA

Appointment of Full-time Male Probation Officer

APPLICANTS must be not less than 23 nor more than 40 years of age, except in the case of a serving Probation Officer, and have recognized social science qualifications or experience in social case work. Appointment and salary according to Probation Rules, 1949/55 with £30 per annum Metropolitan Addition; subject to superannuation deductions and medical assessment. Application forms, from undersigned, returnable by July 14, (quote Q.685 J.P.).

A. G. GRAVES,
Clerk to the County Probation Committee.

Guildhall,
Westminster, S.W.1.

BOROUGH OF CHELTENHAM

Junior Assistant Solicitor

APPLICATIONS are invited for this appointment which is principally concerned with conveyancing. The salary will be in the scale £690 per annum rising to £780 per annum. Previous service with a local authority is not essential.

The appointment will be subject to the National Conditions of Service, to the Superannuation Acts and to a medical examination, and will be terminable by one month's notice.

Applications, stating qualifications and experience, with copies of three recent testimonials, should be received not later than June 30, 1955.

F. D. LITTLEWOOD,
Town Clerk.

P.O. Box No. 12,
Municipal Offices,
Cheltenham.

METROPOLITAN BOROUGH OF ISLINGTON

Law Clerk

APPLICATIONS are invited for the above appointment on the Council's established staff. Salary A.P.T. I (£500 to £580 per annum) plus London weighting £20—£30 per annum. Local Government Superannuation Acts will apply. General legal experience (including Common Law) required. Applications stating age, experience and names of two referees must reach me by July 7, 1955.

H. DIXON CLARK,
Town Clerk.

Town Hall,
Upper Street, N.1.

MIDDLESEX COMBINED PROBATION AREA

Appointment of Senior Probation Officer

APPLICANTS must be serving Probation Officers with considerable experience. Appointment, salary and allowance according to Probation Rules, 1949/55 with £30 Metropolitan Addition; subject to superannuation deductions and medical assessment. Apply stating age, present position and salary, qualifications and experience with names of two referees to undersigned by July 9 (quote Q.755 J.P.).

A. G. GRAVES,
Clerk to the County Probation Committee.

Guildhall,
Westminster, S.W.1.

COUNTY BOROUGH OF WARRINGTON

Legal Assistant (Unadmitted)

APPLICATIONS are invited by July 8 for the above appointment in accordance with Grade III of the National Salary Scales (£600—£725 per annum). Housing accommodation not available. Applicants should state age, qualifications, experience and names of two referees. Canvassing will disqualify.

J. P. ASPDEN,
Town Clerk.

Town Hall,
Warrington.

APPOINTMENTS

MINISTRY OF HEALTH, London, requires temporary legal assistant for legal work of Ministry of Health and Ministry of Housing and Local Government. Principal subjects comprise National Health Service (including superannuation of officers); town and country planning; housing and rent control; public health, superannuation and other services provided by local authorities; general questions relating to rating and valuation; High Court litigation. Successful applicant would in first instance be assigned to duties according to his experience. Must be Barristers called to English bar or Solicitors admitted in England. Period in chambers, experience at the bar or in Solicitor's office or other legal experience an advantage. Salary (45½ hour week) (men) £772—£896 per annum according to age; after one year a total remuneration about £1,026 per annum (less about £32 for each year under 30 years) rising by annual increments to £1,361 per annum. Rates for women slightly lower initially. Persons appointed will be required to compete in open competitions for established posts (age limits 26 and under 40), and if unsuccessful may not be retained. Write giving full particulars of age, education, qualifications and experience to B.Y. 922 Ministry of Labour and National Service, London Appointments Office, 1–6 Tavistock Square, London, W.C.1. In no circumstances should original testimonials be forwarded. Only candidates selected for interview will be advised.

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